

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTHCARE SYSTEMS**

In re: Jadwiga Malek, R.N.

Petition No. 2003-1216-010-104

CONSENT ORDER

WHEREAS, Jadwiga Malek, R.N. (hereinafter "respondent") of Colchester, Connecticut has been issued license number E52233 to practice as a registered nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. On or about March 4, 2003, patient D.O. was admitted to Hartford Hospital for a tenosynovectomy, arthroscopy and debridement of the right ankle. Respondent functioned as a circulating nurse during this procedure.
2. Respondent failed to verify the surgical consent form in the patient's chart prior to the surgery.
3. Respondent prepped the patient's left ankle prior to the doctor's arrival. The physician did not identify the surgical site prior to performing the surgery, and performed the surgery on the left ankle.
4. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99(b), including but not limited to §20-99(b)(2).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations at a hearing in front of the Board of Examiners for Nursing (hereinafter "the Board").

B-1

Respondent does not admit and expressly denies having violated any statute or regulation, including but not limited to §20-99(b) of the General Statutes of Connecticut. Respondent further agrees that this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(a) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-99(a) of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to her profession.
3. Respondent's license number E52233 to practice as a registered nurse in the State of Connecticut is hereby reprimanded.
4. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Office of Practitioner Licensing and Certification of the Bureau of Healthcare Systems of the Department.
5. This Consent Order is effective on the first day of the month immediately following the month in which this Consent Order is approved and accepted by the Board.
6. Respondent understands this Consent Order is a matter of public record.
7. The Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which (1) her compliance with this same order is at issue, or (2) her compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue.

P. 2

8. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that respondent may have under the laws of the State of Connecticut or of the United States.
9. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. The Department and respondent understand that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.
10. Respondent has had the opportunity to consult with an attorney prior to signing this document.
11. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

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B-2

I, Jadwiga Malek, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Jadwiga Malek RN
Jadwiga Malek, R.N.

Subscribed and sworn to before me this 26th day of October, 2004.

Diana Tiro
Notary Public or person authorized *My commission expires 11/30/2007*
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 2nd day of November, 2004, it is hereby accepted.

Marianne Horn
Marianne Horn, Director,
Division of Health Systems Regulation
Bureau of Healthcare Systems

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 1 day of December, 2004, it is hereby ordered and accepted.

BY: Nancy [Signature]
Connecticut Board of Examiners for Nursing

P-4