

Patricia Stone, RN
123 York Street
New Haven, CT 06511

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut
Department of Public Health
vs.
Patricia Stone, RN
Registered Nurse License No. E52336
Respondent.

CASE PETITION NO. 990122-010-006

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health (hereinafter the "Department") with a Statement of Charges dated February 26, 1998. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the Connecticut General Statutes by Patricia Stone (hereinafter "respondent") which would subject respondent's Registered Nurse license to disciplinary action pursuant to the Connecticut General Statutes.

A hearing was held on May 20, 1998, subsequent to which the Board issued a Memorandum of Decision dated December 16, 1998, revoking respondent's Registered Nurse license.

On January 5, 1999 respondent filed a Request for Reconsideration of Decision. The Board granted respondent's request and scheduled a hearing for February 17, 1999.

The Department refiled the Statement of Charges on February 4, 1999, under Petition No. 990122-010-006. Dept. Exh. 1

The hearing was rescheduled and took place on February 17, 1999, in the Town Council Chambers, Wethersfield Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

Respondent was present at the hearing and was represented by counsel. Tr., February 17, 1999.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent, was issued Registered Nurse License Number E52336 on August 24, 1989. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1.
2. On or about July 1993 to December 1994, respondent was employed as a registered nurse at the Connecticut Mental Health Center, New Haven, Connecticut (hereinafter "CMHC"). Respondent's work performance at CMHC was unsatisfactory due to frequent errors in transcribing, dispensing and documentation of medications. Dept. Exh. 1.
3. Respondent had interpersonal problems with the staff at CMHC which caused her stress and anxiety. Tr., February 17, 1999, p. 29.
4. On or about June 24, 1996 and July 3, 1996, respondent was seen for a psychiatric evaluation performed by Gerald Flamm, MD, New Haven, Connecticut. Dr. Flamm's diagnosis of respondent was "adjustment reaction with anxiety and depression". Dept. Exh. 1.
5. From June 6, 1997 to September 26, 1997, respondent underwent a neuropsychological evaluation performed by Emily Littman, Ph.D., Waterbury, Connecticut. Dr. Littman's evaluation revealed respondent had bilateral impairments in sensory motor functioning and significant problems in attention, problem solving ability and adaptive capacities. Dr. Littman concluded that respondent's weakness in terms of poor attention and poor adaptive problem solving strategies suggested respondent could have too many difficulties as a floor nurse. Dept. Exh. 1.
6. Respondent has been under the care of a psychiatrist, Edward Sheppard, M.D., for over two years for treatment of a long-standing anxiety and depressive disorder. Dr. Sheppard's opinion is that respondent suffers from anxiety and depression that can impair her functioning when she is under stress; that respondent's psychological dynamics are treatable with psychotherapy; and, that respondent is making reasonable progress with her treatment. Rt. Exh. A.
7. Respondent currently suffers from chronic pain which affects her concentration and which would affect her practice as a nurse. Tr., February 17, 1999, pp. 37-38.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Patricia Stone held a valid Registered Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The hearing was held in accordance with Chapters 54 and 368a of the Connecticut General Statutes as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies. The hearing process provided Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by Connecticut General Statutes §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 2 of the Statement of Charges alleges respondent has an emotional disorder or mental illness that does and/or may affect her practice as a registered nurse.

The General Statutes of Connecticut §20-99 provides in relevant part:

“(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17 . . . (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following: . . . (4) emotional disorder or mental illness”

Based on its review of the evidence presented and respondent's testimony, the Board finds that there exists sufficient evidence that respondent suffers from an emotional disorder and/or mental illness which precludes respondent from practicing nursing with reasonable skill and safety.

The Board concludes that respondent's conduct as alleged in Paragraph 2 of the Statement of Charges is proven by a preponderance of the evidence presented in this matter. The Board further concludes that said conduct failed to conform to the accepted standards of the nursing profession pursuant to Connecticut General Statutes §20-99(b)(4). Therefore, respondent's Registered Nurse license is subject to disciplinary action pursuant to §19a-17 of the Connecticut General Statutes.

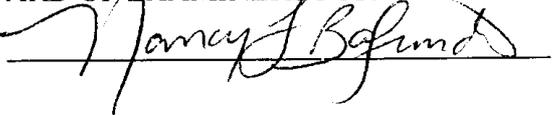
Order

Pursuant to its authority under Connecticut General Statutes §19a-17 and §20-99, the Board of Examiners for Nursing hereby orders the following:

That for Paragraph 2 of the Statement of Charges, the Board reaffirms its Memorandum of Decision of December 16, 1998. Respondent's Registered Nurse license, No. E52336, is revoked.

Dated at Wethersfield, Connecticut this 2nd day of June 1999.

BOARD OF EXAMINERS FOR NURSING

By 

CERTIFICATION

I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 3rd day of June 1999, by certified mail, return receipt requested to:

Patricia Stone
123 York Street
New Haven, CT 06511

Certified Mail Return Receipt Requested NO. P505283667

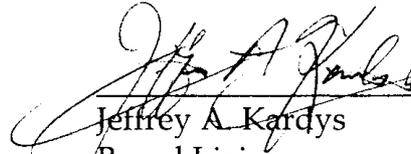
and

Robert Walzer, Esq.
Robinson & Cole
695 East Main Street
PO Box 10305
Stamford, CT 06904-2305

Certified Mail Return Receipt Requested NO. P505283668

and by inter-departmental mail to:

Stephen Miltimore, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134



Jeffrey A. Kardys
Board Liaison

Office of Special Services - Adjudications