

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES**

In re: Sherri Pasquale-Marcuccio, R.N.

Petition No. 980529-010-042

**CONSENT ORDER**

WHEREAS, Sherri Pasquale-Marcuccio, R.N. of Litchfield, Connecticut (hereinafter "respondent") has been issued license number E55344 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, respondent admits that:

1. In approximately April, 1998 respondent provided incompetent and/or negligent care to patient A.B. in carrying out her usual nursing functions in that she failed to perform the Heimlick maneuver after patient A.B. choked on food.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99(2).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Connecticut State Board of Examiners for Nursing (hereinafter "the Board") this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14, and 20-99 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17, and 20-99 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 pay a civil penalty of five hundred dollars (\$500.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
3. Respondent's license shall be placed on probation for a period of one (1) year under the following terms and conditions:
  - a. Respondent shall provide her employer at any hospital, clinic, partnership and/or association at which she is employed as a registered nurse throughout the probationary period, with a copy of this Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of employment at a new facility.
  - b. Within three months of the effective date of this Consent Order, respondent shall successfully complete and provide proof of completion to the satisfaction of the Department and the Board, a class pre-approved by the Department and the Board, on Cardiopulmonary Resuscitation.
  - c. Respondent shall complete twenty (20) hours of community service in which she shall prepare and deliver four (4) lectures regarding the proper delegation of nursing duties to be presented at extended care facilities to registered nurses and licensed practical nurses. Said twenty (20) hours of community service shall consist of the

following: (1) Ten hours of preparation time in which respondent will formulate a lecture plan to be pre-approved by the Board prior to her delivering the lectures and (2) Ten hours of actual lecture time consisting of four (4) separate lectures.

Respondent shall notify the Board, in writing, of the date, time and place of each lecture ten days prior to delivery of each lecture.

4. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant  
Department of Public Health  
Division of Health Systems Regulation  
410 Capitol Avenue, MS #12HSR  
P.O. Box 340308  
Hartford, CT 06134-0308

5. Respondent shall comply with all state and federal statutes and regulations applicable to her licensure.
6. Respondent shall pay all costs necessary to comply with this Consent Order.
7. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department and the Board:
- a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
  - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
  - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 7a above to demonstrate to the satisfaction of the Department that she has complied with the terms of this Consent Order or, in the alternative, that she has cured the violation in question.

- d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, she shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
  - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
- 8. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of her license before the Board.
  - 9. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
  - 10. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
  - 11. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Board in which her compliance with this Consent Order or with §20-99 of the General Statutes of Connecticut, as amended, is at issue.
  - 12. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.

13. 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 Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that she may have under the laws of the State of Connecticut or of the United States.
14. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
15. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted.
16. Respondent has the right to consult with an attorney prior to signing this document.

I, Sherri Pasquale-Marcuccio, R.N., have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

*Sherri Pasquale-Marcuccio*  
*Sherri Pasquale-Marcuccio*  
\_\_\_\_\_  
Sherri Pasquale-Marcuccio, R.N.

Subscribed and sworn to before me this 23<sup>rd</sup> day of October 1998.

ANGELA M. CERRUTO  
NOTARY PUBLIC  
MY COMMISSION EXPIRES JAN. 31, 2003

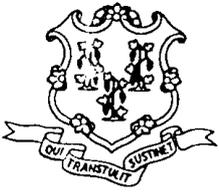
*Angela M. Cerruto*  
\_\_\_\_\_  
Notary Public or person authorized  
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 2<sup>nd</sup> day of November 1998, it is hereby accepted.

*Cynthia Denne*  
\_\_\_\_\_  
Cynthia Denne, Director  
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the \_\_\_\_\_ on the 18<sup>th</sup> day of November 1998, it is hereby ordered and accepted.

*Diana Defendente*  
\_\_\_\_\_  
Connecticut State Board of Examiners for Nursing



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

December 29, 1999

Sherri Pasquale-Marcuccio, RN  
25 Maple Street  
Litchfield, CT 06489

Re: Consent Order  
Petition No. 980529-010-042  
License No. E55344  
[REDACTED]

Dear Ms. Pasquale-Marcuccio:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective 12/1/99.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Consent Order.

Thank you for your cooperation during this process.

Very truly yours,

Bonnie Pinkerton, RNC  
Division of Health Systems Regulation

cc: D. Tomassone  
J. Wojick



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