

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

Department of Public Health

Petition No. 2006-0327-010-023

vs.

Orphia Wilson, RN, Lic. No. E56160
Respondent

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 Motion for Summary Suspension and a Statement of Charges dated May 16, 2006. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Orphia Wilson (hereinafter "respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b). Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On June 7, 2006, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent's registered nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated June 7, 2006, scheduling a hearing for June 21, 2006. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Summary Suspension Order, Notice of Hearing and Statement of Charges were served on respondent by State Marshal on June 13, 2006. Dept. Exh. 1.

The hearing took place on June 21, 2006, in Room 1-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Tr. pp. 2-8.

Respondent did not submit an Answer to the Statement of Charges. The Department moved to have the Allegations Deemed Admitted. The Board granted the motion. Tr. pp. 8-9.

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. Orphia Wilson of Windsor, CT (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut registered nurse license number E56160. Dept. Exhs. 1, p. 3; 2-tab K.
2. Pursuant to a Consent Order dated June 5, 1996, the Board ordered that respondent's registered nurse license be reprimanded. Such disciplinary action was based upon allegations that on or about July 13, 1994, respondent altered and/or recopied nursing notes for the purpose of concealing the circumstances surrounding the death of a patient. Dept. Exh. 2-tab K.

FIRST COUNT

3. On or about September 11, 2004, on her application for renewal of her Connecticut registered nurse license, she answered "no" to the question that asked whether she had any disciplinary action pending against her in another state, when, in fact, a disciplinary action was pending in the State of Florida since on or before March 1, 2004. Tr. pp. 9-10; Dept. Exh. 2-tab K, p. 15.
4. On or about September 20, 2005, on her application for renewal of her Connecticut registered nurse license, she answered "no" to the question that asked whether she had any disciplinary action taken against her in another state, when, in fact, the State of Florida Nursing Board had ordered, on or about October 26, 2004, that her license be permanently revoked. Tr. pp. 9-10; Dept. Exh. 2- tab-J; tab K, p. 14.
5. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, § 20-99, including but not limited to:
 - a. § 20-99(b)(1); and/or
 - b. § 20-99(b)(6).

SECOND COUNT

6. Effective on or about October 27, 2004, respondent's license to practice nursing in the State of Florida was permanently revoked. Tr. p. 10; Dept. Exh. 2-tab J, pp. 2, 4.
7. Said revocation was based, in part, on the following findings of fact:
 - a. At all times material to the complaint before the State of Florida Nursing Board, respondent was employed as a registered nurse by, and performed home health care services for, Maxim Healthcare Services, located in Winter Park, Florida.
 - b. On or about March 23, 2002, within respondent's own residence, respondent was providing home health care services to patient T.L.

- c. Patient T.L. was a then twenty-one (21) month-old male infant with a primary diagnosis of obstructive hydrocephalus (i.e., the buildup of excess cerebrospinal fluid within the brain).
- d. At or about 22:30 (10:30 p.m.), respondent observed patient T.L. to be non-responsive, with no pulse or respiration.
- e. Respondent commenced cardio pulmonary resuscitation (hereinafter "CPR") on patient T.L. and continued CPR for approximately twenty (20) minutes. Dept. Exh. 2-tab J, p 6.
- f. Respondent did not call 911 for assistance at any time prior to or during the time that respondent performed CPR on patient T.L.
- g. Respondent was unable to resuscitate patient T.L.
- h. While performing CPR, respondent called patient T.L.'s father and told him that patient T.L. was non-responsive. Respondent then discontinued CPR and drove patient T.L. to the father's residence.
- i. Respondent engaged in unprofessional conduct by her failure to contact 911 immediately upon commencing CPR on patient T.L.
- j. Respondent engaged in unprofessional conduct when she contacted patient T.L.'s father instead of calling 911, and then discontinued CPR and drove patient T.L. to the father's residence.
- k. Respondent engaged in unprofessional conduct by her failure to conform to the minimal standards of acceptable and prevailing nursing practice, when she committed acts of gross negligence, as follows:
 - i) Respondent failed to immediately call 911 after she discovered patient T.L. was non-responsive; and
 - ii) Respondent failed to continue CPR and instead drove patient T.L. to his father's residence.

Dept. Exh. 2-tab J, pp 6-9.

8. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, § 20-99, including but not limited to, § 20-99(b)(2), and/or pursuant to the General Statutes of Connecticut, § 19a-17, including but not limited to, § 19a-17(a)(7)(B).

THIRD COUNT

9. At all relevant times, respondent was employed as a registered nurse by Maxim Healthcare Services, Inc. (hereinafter "Maxim") of East Hartford, Connecticut. Dept. Exhs. 1 and 2.
10. On or about May 21, 2005 to May 22, 2005, while working as a registered nurse with Maxim, respondent was assigned to provide home health care services for a pediatric patient in East Hartford, CT. On or about May 22, 2005, while providing home health care for said patient:
 - a. Respondent was not alert and/or failed to respond appropriately when the patient's ventilator monitor began alarming, at or about 4:49 a.m., in that she turned the ventilator off.

- b. Respondent failed to respond appropriately to the patient's activity and/or changes in the patient's heart rate and/or oxygen saturation, beginning at or about 5:00 a.m.
- c. Respondent fell asleep, was not alert, and/or was unable to respond immediately when the patient's oxygen rate monitor began alarming, at or about 4:59 a.m.
- d. Respondent found the patient non-responsive, at or about 5:30 a.m. Respondent checked the patient and found no pulse and/or no respirations and/or that the patient was pale. Subsequently, respondent failed to initiate CPR and/or failed to perform CPR in accordance with professional standards.
- e. Respondent failed to completely, properly and/or accurately document medical records.

Transcript, pp. 10-11; Dept. Exh. 2-tabs N-Q; Dept. Exh. 3, tabs R-AA.

11. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, § 20-99, including but not limited to, §20-99(b)(2).

Conclusions of Law and Discussion

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

Orphia Wilson held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §§ 19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by *Conn. Gen. Stat.* § 4-182(c).

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

Respondent did not submit an Answer to the Statement of Charges. Pursuant to § 19a-9-20 of the Regulations of Connecticut State Agencies the Board deems the allegations in the First, Second and Third Counts of the Statement of Charges to be admitted.

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: (1) Fraud or material deception in procuring or attempting to procure a license to practice nursing; (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...(6) fraud or material deception in the course of professional services or activities...

Based on its findings, the Board concludes that respondent's conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§ 20-99(b)(1)(2), and (6) and 19a-17.

Order

Pursuant to its authority under *Conn. Gen. Stat.* §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

1. That for First Count, Second Count and Third Count of the Statement of Charges, respondent's registered nurse license number E56160, is revoked effective the date this Memorandum of Decision is signed by the Board.
2. The Board finds the violations set forth in the First Count, Second Count and Third Count are severable and each separate Count warrants the revocation of respondent's license.

The Board of Examiners for Nursing hereby informs respondent, Orphia Wilson, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 1st day of November, 2006.

BOARD OF EXAMINERS FOR NURSING

By 