

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health

Petition No. 2007-0105-010-004

vs.

Pamela Iovino, RN, Lic. No. E56760
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 Statement of Charges and Motion for Summary Suspension dated January 31, 2007. Dept. Exhs. 1, 2. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Pamela Iovino (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 February 7, 2007, 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 February 7, 2007, scheduling a hearing for February 21, 2007. 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 delivered to respondent’s usual place of abode by State Marshal on February 12, 2007. Dept. Exh. 1.

The hearing took place on February 21, 2007, at the Hartford Hospital – Newington Campus, 181 Patricia M. Genova Drive, Newington, Connecticut.

Respondent was present during the hearing but was not represented by counsel. Tr. 02/21/07, p. 2.

During the hearing respondent orally answered the Statement of Charges. Tr. pp. 21-27.

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, Pamela Iovino of Hamden, Connecticut, was issued registered nurse license number E56760 on July 15, 1994. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 4-tab C; Transcript, p. 22.
2. On November 17, 2004, the Board issued a Consent Order in Petition Number 2004-0629-010-057 that placed respondent's registered nursing license on probation for a period of four years. Such disciplinary action was based upon respondent's admitted diversion of Percocet in June 2004. Dept. Exh. 4-tab A; Transcript, p. 24.
3. Said Consent Order specifically provided that respondent shall be responsible for the provision of employer reports that include documentation of respondent's ability to safely and competently practice nursing. Transcript, p. 24.
4. Respondent was employed as a registered nurse at Whitney Manor, Hamden, Connecticut, from about October 2006 through about November 2006. Transcript, p. 22.
5. From about October 2006 through about November 2006, while working as registered nurse at Whitney Manor, respondent:
 - a. failed to meet the objectives of her position,
 - b. failed to completely, properly, and/or accurately document medical or hospital records, and
 - c. failed to adequately and/or completely conduct assessments.Dept. Exh. 4-tab A, p. 4.
6. An employer evaluation report from Whitney Manor, dated November 30, 2006, states that respondent does not appear to practice nursing with reasonable skill and safety. Dept. Exh. 4-tab A, p. 16.\
7. In or about December 2006 respondent was employed as a registered nurse at Willows Harborside Healthcare, Woodbridge, Connecticut. Transcript, p. 25.
8. In or about December 2006, while working as a registered nurse at Willows Harborside Healthcare, respondent diverted morphine. Respondent placed five vials of morphine in her pocket. Dept. Exh. 4-tab A, pp. 19, Transcript, pp. 8-9, 30-31, 46-47.
9. On February 7, 2007, the Board issued a Memorandum of Decision in Petition Number 2006-0727-010-062, that extended until December 1, 2010, the probation ordered pursuant to the November 17, 2004 Consent Order. Dept. Exh. 3.

Conclusions of Law and Discussion

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

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

The Summary Suspension Order, 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.

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: . . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions . . .

COUNT ONE, PARAGRAPH 3 of the Statement of Charges alleges that from about October 2006 through November 2006, while working as a registered nurse at Whitney Manor, Hamden, Connecticut, respondent:

- a. failed to meet the objectives of her position;
- b. failed to completely, properly, and/or accurately document medical or hospital records; and/or,
- c. failed to adequately and/or completely conduct assessments.

Respondent denies these allegations.

Based on the evidence presented, the Board concludes that the Department met its burden of proving these allegations by a preponderance of the evidence. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§ 20-99(b)(2) and 19a-17.

COUNT TWO, PARAGRAPH 8 of the Statement of Charges alleges that respondent's conduct as alleged in Count One constitutes a violation of the terms of probation as set forth in a Consent Order dated November 17, 2004.

Respondent denies this allegation.

The Board concludes that the Department met its burden of proving this allegation by a preponderance of the evidence. Specifically, an employer evaluation report from Whitney Manor,

dated November 30, 2006, states that respondent does not appear to practice nursing with reasonable skill and safety. The Board further concludes that said conduct violates the terms of probation as set forth in the Consent Order dated November 17, 2004. Therefore, respondent's registered nurse license is subject to disciplinary action pursuant to *Conn. Gen. Stat.* § 19a-17.

COUNT THREE, PARAGRAPH 12 of the Statement of Charges alleges that during December 2006, while working as a registered nurse at Willows Harborside Healthcare in Woodbridge, Connecticut, respondent:

- a. diverted morphine;
- b. failed to completely, properly, and/or accurately document medical or hospital records; and/or,
- c. falsified one or more Controlled Substance Receipt Records.

Respondent denies these allegations.

Based on the evidence and testimony presented, the Board concludes that paragraph 12a was proven by a preponderance of the evidence and that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§ 20-99(b)(2) and 19a-17.

The board finds that the evidence is insufficient to prove the allegations in paragraphs 12b and 12c. Therefore, paragraphs 12b and 12c of the Statement of Charges are dismissed.

COUNT FOUR, PARAGRAPH 16 of the Statement of Charges alleges that respondent violated the terms of probation as set forth in the Consent Order dated November 17 2004, in that an employer report from Willows Harborside Healthcare stated respondent failed to safely and competently practice nursing.

Respondent denies this allegation.

The Board concludes that the Department did not meet its burden with regard to this allegation in that no evidence was presented to establish that respondent failed to safely and competently practice nursing at Willows Harborside Healthcare. Therefore, the Fourth Count of the Statement of Charges is dismissed.

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 the Summary Suspension of respondent's registered nurse license number E56760, ordered on February 7, 2007, is terminated on the effective date of this Memorandum of Decision.

2. The terms of probation set forth in the Consent Order of November 17, 2004, and the Memorandum of Decision dated February 7, 2007, shall continue in full force or effect.
3. The following shall be added to the terms of probation set forth in the Consent Order of November 17, 2004 and the Memorandum of Decision dated February 7, 2007:
 - A. At her expense, respondent shall complete forty (40) hours of one-on-one supervised medication administration by October 1, 2007.
 - B. Certification of successful completion of the supervised medication administration shall be submitted to:

Bonnie Pinkerton, RN, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford CT 06134-0308
4. This Memorandum of Decision becomes effective on August 1, 2007.

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

Dated at Hartford, Connecticut this 18th day of July 2007.

BOARD OF EXAMINERS FOR NURSING

BY 

CERTIFICATION

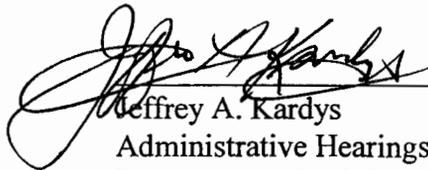
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 19th day of July 2007, by certified mail, return receipt requested and first class mail, to:

Pamela Iovino, RN
1041 Still Hill Road
Hamden, CT 06518

Certified Mail RRR #9171082133393205513967

and by Inter-Departmental Mail to:

Stanley K. Peck, Section Chief
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134-0308



Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Department of Public Health
Public Health Hearing Office