

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

In Re: Victoria Gabriele, R.N.

Petition No. 970224-010-014

CONSENT ORDER

WHEREAS, Victoria Gabriele, R.N. (hereinafter "respondent") of Waterbury, Connecticut has been issued license number E57019 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. Between approximately June of 1996 and October of 1996, while employed as a registered nurse at Whiting Forensic Institute in Middletown, Connecticut, respondent engaged in a personal and/or sexual relationship with a psychiatric patient who was, in part, under her care and supervision.
2. In approximately January of 1997, respondent engaged in fraud and/or material deception in the course of professional services or activities in that she used her position as a registered nurse to gain access to such psychiatric patient for personal matters while such patient was a prisoner at Northern Correctional Facility in Somers, Connecticut.
3. The above described facts constitute grounds for disciplinary action pursuant to General Statutes of Connecticut, §20-99(b)(2) and/or §20-99(b)(6).

WHEREAS, respondent, in consideration of this Consent Order and while admitting no guilt or wrongdoing, has chosen not to contest the above allegations at a hearing in front of the Board of Examiners for Nursing (hereinafter "the Board"). Respondent further agrees that this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-10 and 20-99(b) 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 E57019 to practice as a registered nurse in the State of Connecticut shall be suspended for a period of two (2) years and six (6) months. Within ten (10) days of the effective date of this Order, respondent shall send all three originals of her license to the Department at the address cited in paragraph 4K.
4. Concurrently respondent's license shall be placed on probation for a period of five (5) years under the following terms and conditions:
 - A. At her own expense, she shall engage in therapy and counseling with a licensed or certified therapist (hereinafter "therapist") approved by the Board and the Department for the entire probationary period.
 - (1) She shall provide a copy of this Consent Order to her therapist.

- (2) Her therapist shall furnish written confirmation to the Board and the Department of his or her engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
 - (3) If respondent's therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy is warranted, or that respondent should be transferred to another therapist, he or she shall advise the Board and the Department. Said termination of therapy, reduction in frequency of therapy, and/or respondent's transfer to another therapist shall not occur until approved by the Board after consultation with the Department
 - (4) The therapist shall immediately notify the Board and the Department in writing if respondent discontinues therapy and/or terminates his or her services.
- B. Respondent shall be responsible for the provision of monthly written reports from her therapist directly to the Board and the Department for the entire period of suspension and the entire probationary period. Such reports shall include documentation of dates of treatment, an evaluation of respondent's progress in treatment and an evaluation of her ability to safely and competently practice nursing.
- C. Notwithstanding the foregoing, respondent's therapist shall immediately report to the Board and the Department any conduct or condition on respondent's part which does or may violate any federal or state statute or regulation applicable to her profession.
- D. Respondent shall provide a copy of this Consent Order to all current and future employers for the duration of her probation.

- E. Respondent shall not accept employment as a nurse for a personnel provider service, Assisted Living Services Agency, Homemaker - Home Health Aide Agency, or home health care agency, and shall not be self-employed as a nurse for the period of her probation.
- F. Upon resuming the practice of nursing after the period of suspension, respondent shall be responsible for the provision of monthly written reports directly to the Board and the Department from her nursing supervisor (i.e., Director of Nursing) for the entire period of her probation. Employer reports shall include documentation of respondent's ability to safely and competently practice nursing, and shall be issued to the Board and the Department at the address cited in paragraph 4K below.
- G. Respondent shall notify the Board and the Department in writing of any change of employment within fifteen (15) days of such change.
- H. Respondent shall notify the Board and the Department of any change in her home or business address within fifteen (15) days of such change.
- I. All reports required in paragraph 4B are due on the tenth business day of every month commencing with the reports due September, 1998. All reports required in paragraph 4F are due on the tenth business day of every month commencing the month following respondent's return to the practice of nursing.
- K. All correspondence and reports shall be addressed to:

Jeffrey Kardys
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

- L. Within one (1) year of the effective date of this Consent Order, respondent shall successfully complete and provide proof of completion to the satisfaction of the Board and the Department, a class pre-approved by the Board and the Department in ethics in nursing.
 - M. Within the final six months of the suspension, respondent shall, at her own expense, undergo a psychiatric and/or psychological evaluation, by a psychiatrist and/or psychologist pre-approved by the Board and the Department (hereinafter “the evaluator(s)”). Respondent shall fully cooperate with all requests made by the evaluator(s). Respondent hereby agrees that the evaluation report(s) shall be provided by the evaluator(s) directly to the Board and the Department. The evaluator(s) shall conclude that respondent can safely practice as a registered without having any further restrictions on her license. If the evaluator(s) reach(es) any other conclusion, such finding shall constitute a violation of this Consent Order. The Department may provide the evaluator with a copy of the Consent Order and additional information including, but not limited to, prior psychiatric evaluations of respondent, the monitoring file including all therapist and employer reports, and any reports received from the police or any other authority.
5. Any violation of the terms of this Consent Order without prior written approval by the Board shall constitute grounds for the Department to seek revocation of the respondent's nursing license following notice and an opportunity to be heard.

6. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take action at a later time. The Board shall not be required to grant future extensions of time or grace periods.
7. Legal notice of any action shall be deemed 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.
8. 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.
9. Respondent understands this Consent Order is a matter of public record.
10. 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.
11. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a registered nurse, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent

stipulates that her failure to cooperate with the Department's investigation shall be considered by the Board and shall be given due weight by the Board in determining whether her conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

12. 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.
13. That 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 she may have under the laws of the State of Connecticut or of the United States.
14. That 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.
15. That respondent has had the opportunity to consult with an attorney prior to signing this document.

I, Victoria Gabriele, R.N., 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.

Victoria Gabriele R.N.
Victoria Gabriele, R.N.

Subscribed and sworn to before me this 13th day of February, 1998.



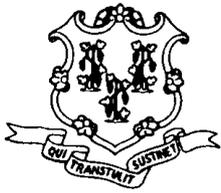
~~Notary Public~~ or person authorized
by law to administer an oath or affirmation
M. Hatcher Norris
Commissioner of the Superior Court

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 17th day of February, 1998, it is hereby accepted.

Cynthia Denne
Cynthia Denne, Director
Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 15th day of July, 1998, it is hereby ordered and accepted.

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



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

August 18, 2003

Victoria Gabriele, RN
8 Market Street
Collinsville, CT 06019

Re: Consent Order
Petition No. 970224-010-014
License No. E57019
DOB: 7/31/58

Dear Ms. Gabriele:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective August 1, 2003.

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.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process.

Very truly yours,

Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: J. Filippone
J. Wojick



Phone: (860) 509-7400
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