

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH**

In Re: Sylvie P. Marston, R.N.

Petition No. 2006-0511-010-039

CONSENT ORDER

WHEREAS, Sylvie P. Marston (hereinafter "respondent") of East Hampton, Connecticut has been issued license number E60360 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. At all relevant times, respondent was employed by Chestelm Health and Rehabilitation Center (hereinafter "Chestelm Center") in Moodus, CT.
2. Respondent deviated from the standard of practice for nursing, in that on March 20, 2006, she failed to follow the Chestelm Center's Abuse Policy and Procedure and abused resident N.H. when she held the resident's genitals while another employee took a picture, and she failed to report the incident.
3. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, 20-99(b)(2).

WHEREAS, the respondent admits and acknowledges that she failed to report a co-worker when she discovered that the co-worker took a picture of a resident's genitals;

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WHEREAS, respondent has completed a class entitled "Principles of Abuse Prevention and Reporting" at her current employer, Middlesex Hospital, Middletown, CT;

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of abuse at a hearing in front of the Board of Examiners for Nursing (hereinafter "the Board"), but while admitting no such guilt or wrongdoing, respondent further agrees that this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(a) 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 E60360 to practice as a registered nurse in the State of Connecticut is hereby reprimanded.
4. Respondent shall pay a civil penalty of One Thousand Dollars (\$1,000.00) 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.
5. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.

6. 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.
7. Respondent understands this Consent Order is a matter of public record.
8. Respondent understands this Consent Order may be considered as evidence of the above-admitted violations in any proceeding before the Board in which (1) her compliance with this same Consent Order is at issue, or (2) her compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue.
9. 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.
10. 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 respondent's license before the Board.
11. 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 respondent may have under the laws of the State of Connecticut or of the United States.
12. 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.

13. Respondent has had the opportunity to consult with an attorney prior to signing this document.
14. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

I, Sylvie Marston, 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.

Sylvie P. Marston
Sylvie P. Marston, R.N.

Subscribed and sworn to before me this 10th day of March, 2008.

Melanie M. Schneider
Notary Public or person authorized
by law to administer an oath or affirmation
MY COMMISSION EXPIRES: 7/31/09

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 13th day of March, 2008, it is hereby accepted.

Jennifer Filippone
Jennifer Filippone, Section Chief,
Practitioner Licensing and Investigations
Healthcare Systems Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 2 day of April, 2008, it is hereby ordered and accepted.

BY: [Signature]
Connecticut Board of Examiners for Nursing