

STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

Judith Brewster, R.N.

Registered Nurse License No. R12599

9 Marshall Drive

Enfield CT 06082

CASE PETITION NO. 921125-10-059

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addition Services (hereinafter the "Department") with a Statement of Charges dated December 9, 1993. The Statement of Charges alleged, in one (1) count, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Judith Brewster (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated December 14, 1993, scheduling a hearing for February 10, 1994. The hearing took place on February 10, 1994, March 30, 1994 and April 14, 1994 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

During the hearing on February 10, 1994 the Respondent's Motion for Sequestration of Witnesses was presented. (Board Exhibit 1) Without objection from the Department the Board granted the Motion to Sequester Witnesses. (Hearing Transcript, February 10, 1994, pp. 9-10)

During the hearing on April 14, 1994 the Department moved to amend the Statement of Charges. Following argument, the Board sustained the Respondent's objection to the Department amending the Statement of Charges. (Hearing Transcript, April 14, 1994, pp. 2-6)

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 and their specialized professional knowledge in evaluating the evidence.

### FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Judith Brewster, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R12599 on October 17, 1957 and was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1, pp. 8, 9)
2. Pursuant to the General Statutes of Connecticut, §4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license. (Department Exhibit 1, p. 6)
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered by certified mail to the Respondent and the Respondent's attorney.
4. The Respondent was present on all dates of the hearing and was represented by counsel. (Hearing Transcripts: February 10, 1994, p.2; March 30, 1994, p. 2; April 14, 1994, p. 2)
5. The Respondent provided a written answer to the Statement of Charges. (Department Exhibit 1, p. 9)

6. That from on or about January 13, 1986 to on or about November 6, 1992 the Respondent was employed as a registered nurse at Parkway Pavilion Health Care, Enfield, Connecticut.  
(Department Exhibit 1, p. 9) (Hearing Transcript, April 14, 1994, p. 19)
7. That on or about September 21, 1992 while working as a registered nurse at Parkway Pavilion on the 11:00 PM to 7:00 AM shift, the Respondent provided nursing care to patient Amelia B.  
(Department Exhibit 2, p. 4)
8. That patient Amelia B. suffered from Alzheimer's disease. That she was known to be confused and disoriented, she would frequently wander the halls at night and could be disruptive.  
(Hearing Transcript, February 10, 1994, pp. 16, 35, 45, 59) (Hearing Transcript, March 30, 1994, pp. 9-10, 53, 65) (Hearing Transcript, April 14, 1994, p. 28)
9. That on or about September 21, 1992, while working as a registered nurse on the 11:00 PM to 7:00 AM shift at Parkway Pavilion, the Respondent Ordered patient Amelia B., who was noisy and agitated, to be restrained in a reclining chair and placed in the facility's beauty parlor in the dark. That the patient was placed in the beauty parlor some time between the hours of 12:00 midnight and 1:00 AM. (Hearing Transcript, February 10, 1994, pp. 16, 18, 34, 37) (Hearing Transcript, April 14, 1994, pp. 31-34)
10. That the reclining chair into which patient Amelia B. was placed included an attached tray which was positioned in front of the patient such that she would be unable to get out of the chair.  
(Hearing Transcript, February 10, 1994, pp. 27-28, 36)
11. That patient Amelia B., while in the reclining chair in the beauty parlor, was unable to be seen from the nurses station in that the interior of the beauty parlor cannot be observed from the nurses station. (Respondent's Exhibit D) (Hearing Transcript, February 10, 1994, pp. 17, 61-63)

12. That the beauty parlor and the chair into which patient Amelia B. was placed, were not equipped with a nurse call system. (Hearing Transcript, February 10, 1994, p. 36) (Hearing Transcript, April 14, 1994, p. 46)
13. That the Respondent monitored patient Amelia B. approximately once every fifteen minutes while the patient was in the beauty parlor. (Hearing Transcript, April 14, 1994, p. 34)
14. That patient Amelia B. fell asleep and was returned to her room at some time after 3:00 AM. (Hearing Transcript, February 10, 1994, pp. 19, 37) (Hearing Transcript, April 14, 1994, pp. 34-35) (Department Exhibit 2, p. 4) (Respondent's Exhibit A-7)
15. That the Respondent failed to document in the nurses progress notes for patient Amelia B. that the patient was restrained in a reclining chair and placed in the facility's beauty parlor. (Department Exhibit 2, p. 4) (Respondent's Exhibit A-7) (Hearing Transcript, February 10, 1994, p. 66) (Hearing Transcript, April 14, 1994, p. 44)
16. That patient Amelia B. did not have written physician orders to be restrained. (Department Exhibit 1-6) (Hearing Transcript, February 10, 1994, p. 65)
17. That the Respondent did not follow facility policy in that she did not obtain confirmation from a physician for restraining patient Amelia B. in the reclining chair. (Hearing Transcript, February 10, 1994, pp. 65-66) (Hearing Transcript, April 14, 1994, pp. 44-45) (Respondent's Exhibit A-4)

#### DISCUSSION AND CONCLUSIONS

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

Judith Brewster 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 sufficiently provided information as mandated by the General Statutes of Connecticut §4-177 and §4-182.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §§19-2a-1 through 19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The FIRST COUNT Paragraph 3 of the Statement of Charges alleges that during 1992 and at subsequent times while working as a registered nurse at Parkway Pavilion Health Care, Enfield, Connecticut the Respondent:

- "a. threatened resident Josephine D. with a needle;
- b. restrained resident Amelia B. without a physician order;
- c. ordered that resident Amelia B. be placed in the facility beauty parlor to control her behavior;
- d. failed to appropriately monitor patient Amelia B. while she was in the facility beauty parlor;
- e. ordered nurse aides to perform nursing treatments on residents;
- f. authorized an employee working under her supervision to divert controlled substances for personal use; and/or
- g. authorized an employee working under her supervision to medicate residents without physician orders."

The Respondent denies these charges. (Answer: Department Exhibit 1, p. 9)

With regard to the First Count Paragraphs 3a, 3e, 3f and 3g the Board concludes that the Department presented insufficient evidence to prove these charges. Therefore the First Count Paragraph 3a, 3e, 3f and 3g are dismissed.

With regard to the First Count Paragraphs 3b, 3c and 3d the Board considered the documents submitted into evidence, the credible testimony of the witnesses who testified to these allegations and the corroborating testimony of the Respondent.

The Board finds that the Respondent, without a physician's order, restrained patient Amelia B. in a reclining chair and ordered her placed in the facility beauty parlor to control her behavior. The Board also finds that by being placed in the beauty parlor the patient was not continuously visible or constantly observed and that the Respondent checking on her, approximately every fifteen minutes was not adequate in ensuring the patient's safety and well being.

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

The Board concludes that the Respondent's conduct as specified in the First Count Paragraphs 3b, 3c and 3d is proven and that said conduct violates the General Statutes of Connecticut §20-99(b)(2). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

#### ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders:

1. That for the First Count Paragraphs 3b, 3c and 3d the Respondent's registered nurse license, No. R12599, is reprimanded.
2. This Memorandum of Decision shall serve as the reprimand and shall become effective on the date it is signed by the Chairperson of the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs the Respondent, Judith Brewster and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Newington, Connecticut this 13th day of October, 1994.

BOARD OF EXAMINERS FOR NURSING

By

Jenice Thibodeau

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