

Laurene Kerrigan
32 Weed Hill Avenue, Apt. O
Stamford, CT 06907

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

State of Connecticut
Department of Public Health

vs.

Laurene Kerrigan, RN
Registered Nurse License No. R18466
Respondent.

CASE PETITION NO. 970102-010-002

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 in Petition No. 970102-010-002 (Department Exhibit 2). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Laurene Kerrigan (hereinafter the "Respondent") which would subject the Respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing dated August 13, 1997 (Department Exhibit 2). The Respondent was provided notice of the hearing and charges against her. Department Exhibit 2 indicates that the Notice of Hearing and Statement of Charges were delivered by certified mail to the Respondent and the Respondent's attorney.

The hearing began on February 4, 1998, in Conference Room C, 470 Capitol Avenue, Hartford, Connecticut. During the hearing the Respondent submitted a Motion to Suppress Statement of Dawn Verdeschi; an Objection to Proposed Statements of Dawn Verdeschi; a Motion to Suppress Medical

Records of John McDonnell; and a Motion to Suppress Alleged Statement of Respondent. The hearing was continued to afford the Department an opportunity to responded to the Respondent's Motions. (Hearing Transcript, February 4, 1998)

On February 9, 1998, the Department filed a Motion in Opposition to Objection to Proposed Statement of Dawn Verdeschi; a Motion in Opposition to Motion to Suppress Medical Records; a Motion in Opposition to Motion to Suppress Statement of Dawn Verdeschi; and a Motion in Opposition to Motion to Suppress Statement of Respondent. (Department Exhibit 1)

On March 9, 1998, the Respondent filed with the Board a Notice of Deposition. On March 10, 1998, the Department filed The Department's Motion to Quash Respondent's Deposition Notices. The Department's Motion was granted by the Board. (Board Exhibit 1)

The hearing concluded on March 18, 1998, in the Town Council Chambers, Wethersfield Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, March 18, 1998, p. 5)

The Respondent submitted a written answer to the Statement of Charges. (Department Exhibit 2)

Regarding the Respondent's Motion to Suppress Statement of Dawn Verdeschi, the Respondent and Department agreed that portions of the statement would be redacted and read into the record. (Hearing Transcript, March 18, 1998, pp. 57-59, 143)

Regarding the Respondent's Objection to Proposed Statements of Dawn Verdeschi, the Board denied the Objection. (Hearing Transcript, March 18, 1998, pp. 51-56)

Regarding the Respondent's Motion to Suppress Medical Records of John McDonnell, the Board granted the Motion. (Hearing Transcript, March 18, 1998, pp. 98-100, 141-143)

Regarding the Respondent's Motion to Suppress Alleged Statement of Respondent, the Board denied the Motion. (Hearing Transcript, March 18, 1998, pp. 64-67)

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.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. The Respondent was the holder of a registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges. (Answer: Department Exhibit 2)
2. From January 1994 through September 4, 1996, the Respondent was employed as a registered nurse at Mediplex of Stamford, Stamford, Connecticut. (Answer: Department Exhibit 2)
3. During 1996, while working as a registered nurse at Mediplex of Stamford, the Respondent diverted the medication Compazine. (Department Exhibit 5) (Hearing Transcript, March 18, 1998, p. 111)
4. The Respondent administered the medication Compazine to John McDonnell with whom she had been living. The Respondent administered the Compazine to Mr. McDonnell for nausea and vomiting associated with alcohol abuse. (Department Exhibit 5) (Hearing Transcript, March 18, 1998, pp. 113-114)

5. John McDonnell did not have physician orders for the Compazine that the Respondent administered to him. (Hearing Transcript, March 18, 1998, pp. 132)

DISCUSSION AND CONCLUSIONS

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

Laurene Kerrigan 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 legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut 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 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 Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 3 of the Statement of Charges alleges that beginning in approximately September 1995 until at least September 1996 the Respondent diverted Compazine and/or Tigan from Mediplex of Stamford to administer to John McDonnell, an individual with whom she had a close personal relationship.

The Respondent denies these charges. (Answer: Department Exhibit 2)

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 performing usual nursing functions...."

Based on its review of the evidence and testimony presented, the Board concludes that the Respondent's conduct as alleged in Paragraph 3 of the Statement of Charges as it pertains to the medication Compazine is proven and that said conduct constitutes a violation of 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.

Paragraph 3 of the Statement of Charges as it pertains to the medication Tigan is dismissed in that the Department did not present sufficient evidence to prove the allegation.

PARAGRAPH 4 of the Statement of Charges alleges that in September of 1996, when Mr. McDonnell needed hospitalization for significant medical problems, the Respondent failed to disclose in a timely fashion her administration of Compazine.

PARAGRAPH 5 of the Statement of Charges alleges that prior to the September 1996 hospitalization, the Respondent failed to respond in a timely fashion to Mr. McDonnell's deteriorating condition, and failed to contact medical professionals to intervene and/or provide care in an emergency situation.

The Respondent denies these charges. (Answer: Department Exhibit 2)

Based on its review of the evidence and testimony presented, the Board concludes that the Department did not present sufficient evidence to prove the conduct alleged in Paragraphs 4 and 5. Therefore, Paragraphs 4 and 5 of the Statement of Charges are dismissed.

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 the following:

1. That for Paragraph 3 of the Statement of Charges, as found, the Respondent's registered nurse license, No. R18466, is reprimanded.

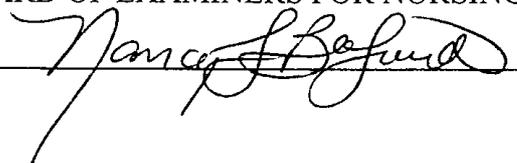
2. This Memorandum of Decision becomes effective on date signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs the Respondent, Laurene Kerrigan, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 19th day of August 1998.

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 20th day of August 1998, by certified mail, return receipt requested to:

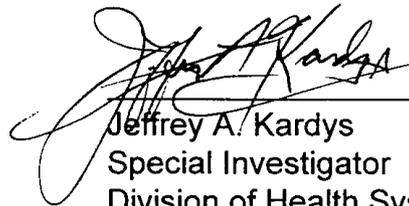
Laurene Kerrigan
32 Weed Hill Avenue, Apt. O
Stamford, CT 06907

Certified Mail Return Receipt Requested NO. P505283884

and

Ellen M. Costello, Esq.
Cotter, Cotter & Sohon, PC
PO Box 5660, Bayview Station
Bridgeport, CT 06610

Certified Mail Return Receipt Requested NO. P505283885



Jeffrey A. Kardys
Special Investigator
Division of Health Systems Regulation