

Elna Bjelland-Hughes  
5 Ansmour Road  
Seymour, CT 06483

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

State of Connecticut  
Department of Public Health  
vs.  
Elna Bjelland-Hughes, RN  
Registered Nurse License No. R22518  
Respondent.

CASE PETITION NO. 951108-10-105

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 dated February 27, 1996 (Department Exhibit 1B). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Elna Bjelland-Hughes (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 March 6, 1996, scheduling a hearing for September 4, 1996 (Department Exhibit 1B).

The Respondent was provided notice of the hearing and charges against her. Department Exhibit 1B 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 September 4, 1996, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, September 4, 1996, p. 4)

The Respondent submitted a written answer to the Statement of Charges. (Respondent's Exhibit A)

The hearing did not conclude and was rescheduled. (Hearing Transcript, September 4, 1996, p. 117)

On September 18, 1996, the Department presented to the Board a First Amended Statement of Charges and Motion for Summary Suspension dated September 17, 1996 (Department Exhibit 5). The First Amended Statement of Charges alleged additional violations of Chapter 378 of the General Statutes of Connecticut by the Respondent and alleged conduct on the part of the Respondent which violated the terms of a Memorandum of Decision issued by the Board on November 15, 1995.

Based on the allegations in the First Amended Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent presented a clear and immediate danger to public health and safety. On September 18, 1996, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Registered Nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the First Amended Statement of Charges (Department Exhibit 5).

Pursuant to a Notice of Hearing dated September 19, 1996, the hearing was scheduled to resume on October 2, 1996. Department Exhibit 5 indicates that the Summary Suspension Order, Notice of Hearing and First Amended Statement of Charges were delivered by certified mail to the Respondent's attorney and a known address of the Respondent.

The Respondent submitted a written answer to the First Amended Statement of Charges. (Respondent's Exhibit B)

The hearing resumed on October 2, 1996 and continued on November 6, 1996.

During the hearing on October 2, 1996, the Department verbally amended the First Amended Statement of Charges by changing "1996" to "1995" in the fifth count paragraph 25. (Hearing Transcript, October 2, 1996, p. 25)

During the hearing on October 2, 1996 the Respondent submitted a Motion To Dismiss (Respondent's Exhibit C). Following oral argument the Board denied the Respondent's motion. (Hearing Transcripts, October 2, 1996, pp. 30, 34-35; November 6, 1996, pp. 2-3)

During the hearing on November 6, 1996 the Respondent submitted a Motion To Rescind Order Dated November 15, 1995. The Department submitted The Department's Response To Respondent's Motion To Rescind Order Dated November 15, 1995 (Board Exhibits 1 and 2). Following oral argument the Board denied the Respondent's motion. (Hearing Transcript, November 6, 1996, pp. 20-22)

The hearing concluded on January 7, 1998. Between November 6, 1996 and January 7, 1998 the hearing was continued on a request by the Respondent and a subsequent joint request by the Respondent and the Department. (Board Exhibits 3 and 4)

The Respondent was represented by counsel on all hearing dates. (Hearing Transcripts, September 4, 1996; October 2, 1996; November 6, 1996; and January 7, 1998)

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 issued Registered Nurse License Number R22518 on October 8, 1970. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibits 1C, 5A)

2. From on or about June 1994 to February 1995 the Respondent was employed as a registered nurse at Maefair Health Care Center, Trumbull, Connecticut. (Department Exhibit 1D, p. 3)
3. From on or about December 1994 to March 1995 the Respondent was employed as a registered nurse at Cambridge Manor Health Center, Fairfield, Connecticut. (Department Exhibit 1D, p. 4)
4. From on or about September 21, 1995 to on or about October 20, 1995 the Respondent was employed as a registered nurse at Arterburn Convalescent Home, Inc., West Haven, Connecticut. The Respondent falsified her application for employment at Arterburn, in that she failed to list her employment at Maefair Health Care Center and/or Cambridge Manor Health Center. (Department Exhibits 7, 16) (Answer: Respondent's Exhibit B) (Hearing Transcript, October 2, 1996, pp. 50-51)
5. On October 13, 1995, at approximately 4:00 AM, while working at Arterburn Convalescent Home, the Respondent informed nurses aide Melody Mueller that she discovered blisterpacks of the controlled substance Ativan had been tampered with. The Respondent showed nurses aide Mueller that there was tape on the back of the blisterpacks over individual cells in which Ativan had been replaced. The Respondent informed nurses aide Mueller that the Ativan had been replaced with the medication Benztropine belonging to patient D. S. The Respondent failed to inform the oncoming charge nurse for the October 13, 1995 7:00AM to 3:00PM shift and/or the Director of Nursing for Arterburn Convalescent Home of the blisterpacks she discovered had been tampered with. (Department Exhibits 2, 8) (Respondent's Exhibit E) (Hearing Transcript, September 4, 1996, pp. 50-66) (Hearing Transcript, October 2, 1996, pp. 66, 75) (Hearing Transcript, November 6, 1996, pp. 26-27)
6. The blisterpacks which had been tampered with remained available for use until after the beginning of the 11:00PM to 7:00AM shift on the evening of October 13, 1995. (Hearing Transcript, October 2, 1996, pp. 69-71)

7. Pursuant to a Memorandum of Decision dated November 15, 1995, the Board ordered the Respondent's registered nurse license placed on probation for a period of two (2) years. The probation was ordered based on the Respondent's failure to completely, properly and/or accurately document the administration of medications while working as a registered nurse at Maefair Health Care Center and Cambridge Manor Health Center. (Department Exhibit 1D)
8. Conditions of the probation ordered pursuant to the November 15, 1995 Memorandum of Decision required the Respondent to provide a copy the decision to any and all employers if employed as a nurse during the probationary period; to cause employer reports to be submitted to the Board by her immediate supervisor for the entire probationary period; to cause notification to the Board should the Respondent's employment as a nurse be terminated; and to notify the Board of any change in employment or change of address. (Department Exhibit 1D)
9. From on or about June 1, 1996 through on or about September 6, 1996, the Respondent was employed as a registered nurse at Dover Rehabilitation and Living Center, Dover, New Hampshire. In her application for employment at Dover Rehabilitation and Living Center the Respondent indicated that she had never been subject to licensure disciplinary action. In addition, the Respondent failed to disclose in her application that she had previously been employed as a registered nurse at Maefair Health Care Center, Cambridge Manor Health Center, or Arterburn Convalescent Home, Inc. (Department Exhibit 5C)
10. The Respondent did not inform the Board as to her employment at Dover Rehabilitation and Living Center and did not communicate with the Board with regard to any of the conditions of probation set forth in the Memorandum of Decision dated November 15, 1995. (Hearing Transcript, January 7, 1998, pp. 41-42)
11. On August 29, 1996 the Respondent completed an employment application for Seacoast Health Center, Inc., Hampton, New Hampshire. On said application the Respondent answered "no" to the question "Have you ever been subject to disciplinary action by a healthcare licensing agency in this or any other state, or in any other United States or foreign jurisdiction?" In addition, the

Respondent failed to disclose in her application that she had previously been employed as a registered nurse at Maefair Health Care Center, Cambridge Manor Health Center, or Arterburn Convalescent Home, Inc. On said application the Respondent listed her address as 4 Oak Hill Lane, Barrington, New Hampshire and indicated that she was the holder of New Hampshire Registered Nurse License No. 040934-21. (Department Exhibit 5B)

12. The Respondent's address of record on file with the Department's Licensure and Registration Section is 5 Ansmour Road, Seymour, Connecticut. (Department Exhibit 5A)
13. The Respondent never informed the New Hampshire Board of Nursing that her Connecticut registered nurse license was on probation, despite being required to do so by the New Hampshire Code of Administrative Law. (Department Exhibit 5D)

#### **DISCUSSION AND CONCLUSIONS**

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

Elna Bjelland-Hughes held a valid Registered Nurse license in the State of Connecticut at all times referenced in the First Amended Statement of Charges.

The Notice of Hearing and First Amended 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 §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, First Amended 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.

The General Statutes of Connecticut §20-99 provides in pertinent 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....” (emphasis added)

The Board concludes that it has jurisdiction to discipline a person licensed to practice nursing, for conduct which fails to conform to the accepted standards of the nursing profession, regardless of whether said conduct occurred in the State of Connecticut or not.

The FIRST COUNT of the First Amended Statement of Charges alleges:

- From approximately June 1994 to January 1995, the Respondent was employed as a registered nurse at Maefair Health Care Center, Trumbull, Connecticut (“Maefair”).
- From approximately December 1994 to March 1995, the Respondent was employed as a registered nurse at Cambridge Manor Health Center, Fairfield, Connecticut (“Cambridge”).
- From on or about September 21, 1995 to on or about October 19, 1995, the Respondent was employed at Arterburn Convalescent Home , Inc., West Haven, Connecticut (“Arterburn”). The Respondent falsified her application for employment at Arterburn, in that she failed to list her employment at Maefair and/or Cambridge.
- From on or about June 1, 1996 through on or about September 6, 1996, the Respondent was employed at Dover Rehabilitation Center, Dover, New Hampshire (“Dover”). The Respondent falsified her application for employment at Dover, in that she failed to list her employment at Maefair, Cambridge and/or Arterburn.
- On or about August 29, 1996, the Respondent falsified her application for employment at Seacoast Health Center, Hampton, New Hampshire (“Seacoast”), in that she failed to list her employment at Maefair, Cambridge and/or Arterburn.

The Respondent denies the charges of falsifying employment applications. (Answer: Respondent’s Exhibit B)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes “... (6) fraud or material deception in the course of professional services or activities....”

Based on its findings, the Board concludes that the Respondent's conduct as alleged in the First Count of the First Amended Statement of Charges is proven. The Board concludes that said conduct fails to conform to the accepted standards of the nursing profession and constitutes a violation of the General Statutes of Connecticut §20-99(b)(6). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The SECOND COUNT of the First Amended Statement of Charges alleges the Respondent violated the terms of probation of her registered nurse license as set forth in a Memorandum of Decision dated November 15, 1995 in that the Respondent:

- failed to notify Dover of the Memorandum of Decision;
- failed to cause employer reports to be submitted to the Board by her immediate supervisor at Dover;
- failed to notify the Board of her termination at Dover;
- failed to notify the Board of her change in employment and her change of address.

The Respondent denies these charges. (Answer: Respondent's Exhibit B)

Based on its findings, the Board concludes that the Respondent's conduct as alleged in the Second Count of the First Amended Statement of Charges is proven. The Board concludes the Respondent violated the terms of probation of her registered nurse license as set forth in a Memorandum of Decision dated November 15, 1995. Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The THIRD COUNT of the First Amended Statement of Charges alleges;

- In May 1996, the Respondent falsified her application for employment at Dover by indicating that she had never been subject to disciplinary action by a healthcare licensing agency in any state, or in any other United States or foreign jurisdiction.
- On or about August 29, 1996, the Respondent falsified her application for employment at Seacoast by indicating that she had never been subject to disciplinary action by a healthcare agency in any state, or in any other United States or foreign jurisdiction.

The Respondent denies these charges. (Answer: Respondent's Exhibit B)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (6) fraud or material deception in the course of professional services or activities...."

Based on its findings, the Board concludes that the Respondent's conduct as alleged in the Third Count of the First Amended Statement of Charges is proven. The Board concludes that said conduct fails to conform to the accepted standards of the nursing profession and constitutes a violation of the General Statutes of Connecticut §20-99(b)(6). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The FOURTH COUNT of the First Amended Statement of Charges alleges that on or about October 13, 1995 at or about 4:00AM, while working as a nurse at Arterburn, the Respondent discovered controlled substances which evidenced signs of tampering. It is further alleged the Respondent failed to remove the altered medication blisterpacks from a locked drawer and failed to alert Arterburn's nursing staff or administration of the alleged tampering, thereby placing patients at risk of receiving incorrect medication.

The Respondent denies these charges. (Answer: Respondent's Exhibit B)

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 findings, the Board concludes that the Respondent's conduct as alleged in the Fourth Count of the First Amended Statement of Charges is proven. The Board concludes that said conduct fails to conform to the accepted standards of the nursing profession and 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.

The FIFTH COUNT of the First Amended Statement of Charges alleges that on or about October 15, 1995, while working as a nurse at Arterburn, the Respondent charted Ativan as being given to patient A.M. however she failed to administer and/or diverted such medication. It is further alleged that on or about September 24, 1995 through October 20, 1995, while working as a nurse at Arterburn, the Respondent engaged in a pattern of inconsistent and/or incorrect charting for patient A.D.

The Respondent denies these charges. (Answer: Respondent's Exhibit B)

The Board concludes that insufficient evidence was presented to prove these charges. Therefore, the Fifth Count of the First Amended Statement of Charges is 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 the Summary Suspension of the Respondent's registered nurse license, No. R22518, ordered on September 18, 1996, is vacated on the effective date of this Memorandum of Decision and that said license is placed on probation subject to the following conditions.
  - A. The Respondent shall make application to the licensing authority of the Department of Public Health to be administered the licensing examination for registered nurses. The Respondent shall incur all expenses associated with applying for and taking the licensing examination.
  - B. The Respondent shall attain a passing score on the licensing examination for registered nurses.
  - C. Until such time the Board is notified that the Respondent has attained a passing score on the licensing examination, the Respondent is prohibited from practicing as nurse.

- D. The probation of the Respondent's registered nurse license No. R22518, shall extended for a period of three (3) years following notification to the Board of the Respondent passing the registered nurse licensing examination.
2. The Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500.00).
- A. The \$500.00 civil penalty is due within one (1) year of the Respondent passing the registered nurse licensing examination.
  - B. Payment of the civil penalty shall be made by certified check payable to "Treasurer, State of Connecticut" and shall be sent to:

**DEPARTMENT OF PUBLIC HEALTH  
BOARD OF EXAMINERS FOR NURSING  
DIVISION OF HEALTH SYSTEMS REGULATION**  
410 Capitol Avenue, MS #12HSR  
P. O. Box 340308  
Hartford CT 06134-0308

3. If any of the following conditions of probation are not met, the Respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
- A. During the period of probation the Board shall pre-approve the Respondent's employment or change of employment within the nursing profession.
  - B. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
  - C. If employed as a nurse, the Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period.

Employer reports shall commence with the report due on the first business day following employment as a nurse.

- D. The employer reports cited in Paragraph C above shall include documentation of the Respondent's ability to safely and competently practice nursing and an evaluation of the Respondent's ability to competently and accurately document the administration of medications. Employer reports shall be submitted directly to the Board at the address cited in Paragraph H below.
- E. Should the Respondent's employment as a nurse be involuntarily terminated, the Respondent and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
- F. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- G. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- H. All correspondence and reports are to be addressed to:

**DEPARTMENT OF PUBLIC HEALTH  
DIVISION OF HEALTH SYSTEMS REGULATION  
BOARD OF EXAMINERS FOR NURSING  
410 Capitol Avenue, MS #12HSR  
P. O. Box 340308  
Hartford CT 06134-0308**

- 4. Any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order. Any finding that the Respondent has violated this Order will subject the Respondent to sanctions under §19a-17(a) and (c) of the

General Statutes of Connecticut, including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take subsequent action. The Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to the Respondent's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).

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

The Board of Examiners for Nursing hereby informs the Respondent, Elna Bjelland-Hughes, 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 



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

July 20, 2009

Elna Hughes, RN  
5 Ansmour Road  
Seymour, CT 06483

Re: Memorandum of Decision  
Petition No. 1995-1108-010-105  
License No. R22518

Dear Ms. Hughes:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective July 17, 2009.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

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

Very truly yours,

A handwritten signature in cursive script that reads "Bonnie Pinkerton".

Bonnie Pinkerton, RN, Nurse Consultant  
Practitioner Licensing and Investigations Section

cc: J. Filippone  
J. Wojick



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