

Mary Criqui
25 Currier Place
Cheshire, CT 06410

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

State of Connecticut
Department of Public Health
vs.
Mary Criqui, RN
Registered Nurse License No. R28893
Respondent.

CASE PETITION NO. 950906-10-084

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 April 22, 1997 (Department Exhibit 2). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Mary Criqui (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 April 30, 1997, scheduling a hearing for July 16, 1997 (Department Exhibit 2).

The Respondent was provided notice of the hearing and charges against her. (Department Exhibit 2)..(Hearing Transcript, July 16, 1997, p. 5)

The hearing took place on July 16, 1997, 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, July 16, 1997, pp. 3, 9)

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

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. Mary Criqui, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R28893 on October 1, 1976. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-A) (Answer: Respondent's Exhibit A)
2. On or about 1980, the Respondent began employment as a registered nurse for VNA Health Care Incorporated, Hartford, Connecticut. (Respondent's Exhibit B-2.1) (Hearing Transcript, July 16, 1997, p. 13)
3. On or about August 1, 1995, while working as a registered nurse for VNA Health Care Incorporated, the Respondent provided psychiatric nursing services for patient M. C. at the patient's home. Based on her assessment of the patient the Respondent decided to make an unannounced follow-up visit to the patient on August 7, 1995. (Department Exhibit 1-B) (Hearing Transcript, July 16, 1997, p. 16)

4. On or about August 7, 1995, while working as a registered nurse for VNA Health Care, the Respondent proceeded to the home of patient M. C. for the purpose of making an unannounced follow-up visit. The Respondent was unable to visit and assess the patient because the patient was asleep and the patient's son would not allow the Respondent to see the patient. (Department Exhibit 1-B) (Hearing Transcript, July 16, 1997, pp. 17)

5. The Respondent completed a "Nursing Clinical Note & Visit Report Sheet" and a "Psychiatric Flow Sheet" documenting that she had visited and assessed patient M. C. on August 7, 1995. (Department Exhibit 1-B) (Hearing Transcript, July 16, 1997, p. 19)

DISCUSSION AND CONCLUSIONS

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

Mary Criqui 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, §4-182 and §19a-17. 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 Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 2 of the Statement of Charges alleges that on or about August 7, 1995, while working as a registered nurse for VNA Health Care Incorporated, the Respondent:

- a. failed to make a home visit;
- b. failed to completely, properly and accurately document medical records; and/or,
- c. documented a home visit that never occurred.”

The Respondent admits these charges. (Answer: (Respondent’s Exhibit A)

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...(6) fraud or material deception in the course of professional services or activities....”

Based on its findings and the Respondent’s admission, the Board concludes that the Respondent’s conduct as alleged in Paragraph 2 of the Statement of Charges is proven and that said conduct fails to conform to the accepted standards of the nursing profession. The Board further concludes that the Respondent’s conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2) and (6). 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 the following:

1. That for Paragraph 2 of the Statement of Charges, the Respondent’s registered nurse license, No. R28893, is placed on probation for a period of two (2) years.
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 on or before December 1, 1998.
- 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 or if providing nursing services in a non-paid nursing position, the Respondent shall cause quarterly reports to be submitted to the Board by her immediate supervisor during the entire probationary period. Said reports shall include an evaluation of the Respondent's ability to safely and competently practice nursing.
 - D. The reports cited in Paragraph C above are due on the first business day of January, April, July, and October. Said reports shall be submitted directly to the Board at the address cited in Paragraph J below.

- E. Should the Respondent's employment as a nurse be voluntarily or involuntarily terminated, the Respondent and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
- F. During the two year probationary period the Respondent shall complete five hundred (500) hours of community service.
- G. The Respondent shall cause reports to be submitted to the Board by the program director of the community service project attesting to the Respondent's community service activities. Said reports shall be submitted directly to the Board at the address cited in Paragraph J below.
- H. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- I. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- J. All correspondence and reports are to be addressed to:

**DEPARTMENT OF PUBLIC HEALTH
BOARD OF EXAMINERS FOR NURSING
DIVISION OF HEALTH SYSTEMS REGULATION
410 Capitol Avenue, MS #12HSR
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- 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 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, 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, and the two (2) year probation of the Respondent's registered nurse license shall commence, on December 15, 1997.

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

Dated at Hartford, Connecticut this 3rd day of December 1997.

BOARD OF EXAMINERS FOR NURSING

By 