

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

Department of Public Health and Addiction Services v.

Mary Robinson, R.N.

Registered Nurse No. R29559

140 Plains Road

Windham, Connecticut 06280

CASE PETITION NO. 950411-10-038

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services ^{1/} (hereinafter the "Department") with a Statement of Charges and a Motion for Summary Suspension dated June 12, 1995 (Department Exhibit 2). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Mary Robinson (hereinafter the "Respondent").

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent represented a clear and immediate danger to public health and safety. On June 14, 1995, the Board ordered, pursuant to its authority under §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 Statement of Charges (Department Exhibit 2).

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Prior to July 1, 1995 the Department of Public Health was known as the Department of Public Health and Addiction Services. (Connecticut Public Act No. 95-257)

The Board issued a Notice of Hearing dated June 14, 1995 scheduling a hearing for June 28, 1995 (Department Exhibit 2). The hearing scheduled for June 28, 1995 was continued (Hearing Transcript, June 28, 1995) and took place on July 12, 1995 in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

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 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 Robinson, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R29559 on May 10, 1977. Said license lapsed on January 31, 1983 and was reinstated on April 8, 1994. (Department Exhibit 2)
2. The Respondent was given due notice of hearing and the charges against her. Department Exhibit 1 indicates that Notice of Continuance of Formal Hearing, Summary Suspension Cover Sheet, Motion for Summary Suspension, Summary Suspension Order, Statement of Charges, Notice of Hearing, Licensure Affidavit and Supporting Documents were served on the Respondent by Deputy Sheriff on July 8, 1995.
3. The Respondent was not present during the hearing on July 12, 1995 and was not represented by counsel. (Hearing Transcript, July 12, 1995)
4. From on or about March 31, 1994 to June 28, 1994 the Respondent was employed at Windham Hills Healthcare Center, Willimantic, Connecticut. (Department Exhibit 6)

5. While employed as a registered nurse at Windham Hills Healthcare Center the Respondent administered medications to patients at incorrect times without notification to the treating physician; caused a respiratory treatment to be administered to a patient without a physician order; incorrectly transcribed physicians orders to medication Kardexes; and exhibited disruptive and unprofessional behavior. (Department Exhibit 6) (Hearing Transcript, July 12, 1995, pp. 20-27)
6. From on or about August 9, 1994 to August 25, 1994 the Respondent was employed as a registered nurse by Visiting Nurse and Community Health of Eastern Connecticut, Inc., Mansfield Center, Connecticut. (Department Exhibit 2-B)
7. While employed by Visiting Nurse and Community Health of Eastern Connecticut, Inc., on August 21 and 22, 1994 the Respondent missed appointments; did not call patients to confirm visits; failed to notify the family of a hospice patient of the patient's death; did not carry a beeper while on duty; and failed to follow universal precautions and sterile procedure while performing a dressing change for a patient with leg ulcers; and exhibited poor nursing judgment and mental instability. (Department Exhibit 2-B) (Hearing Transcript, July 12, 1995, pp. 28-32)
8. From December 12, 1994 to December 16, 1994 the Respondent was hospitalized at Norwich Hospital, Norwich, Connecticut via a Physicians Emergency Certificate due to concerns about the Respondent's ability to care for herself and inability to be stabilized on out-patient medications. During this hospitalization evaluation of the Respondent revealed a history of auditory hallucinations; prior psychiatric hospitalizations; impaired memory; and poor judgment and insight. The Respondent was diagnosed as having bipolar disorder with recurrent moderate major depression, and moderate-to-severe non compliance with medications since June 1994. (Department Exhibit 3 - under seal)
9. Subsequent to her discharge from Norwich Hospital the Respondent has exhibited episodes of bizarre behavior and has had suicidal tendencies as recently as May 1995. (Department Exhibits 3 - under seal, and 5) (Hearing Transcript, July 12, 1995, pp. 10-18)

DISCUSSION AND CONCLUSIONS

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

Mary Robinson held a valid registered nurse license in the State of Connecticut at times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges sufficiently provided information 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 FIRST COUNT PARAGRAPH 3 of the Statement of Charges alleges that the Respondent suffers from an emotional disorder that interferes with her ability to practice nursing.

The Respondent was not present at the hearing to answer this charge, therefore the Board deems this charge admitted.

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (4) emotional disorder or mental illness...."

Based on its findings, the Board concludes the Respondent suffers from a bipolar illness which has produced symptoms of lack of judgement, delusional thinking and irrational behavior which has resulted in a gross inability to follow nursing standards. The Board further concludes the Respondent's non-compliance with therapeutic medications exacerbates her condition.

The Board concludes the First Count Paragraph 3 of the Statement of Charges is proven and that the specified conduct constitutes a violation of the General Statutes of Connecticut §20-99(b)(4). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The SECOND COUNT of the Statement of Charges alleges:

- "6. During the time period of March 31, 1994 through June 1994, while employed as a registered nurse supervisor at Windham Hill Healthcare Center, respondent administered medication at incorrect times without proper notification to the physician, and incorrectly transcribed the end-of-month orders.
7. On or about August 21 and 22, 1994, while employed by Visiting Nurse and Community Health of Eastern Connecticut, Inc. respondent:
 - a. missed appointments;
 - b. did not call patients to confirm visits;
 - c. failed to notify a family regarding the death of a hospice patient;
 - d. did not remove her coat or wash her hands before or after applying dressings for a patient who suffered lower leg ulcers; and/or,
 - e. did not carry a beeper while on duty as required."

The Respondent was not present at the hearing to answer these charges, therefore the Board deems these charges to be admitted.

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...."

Based on its findings, the Board concludes that the Respondent's conduct as specified in Paragraphs 6 and 7 of the Second Count 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.

The THIRD COUNT of the Statement of Charges alleges the Respondent has abused or utilized to excess, benzodiazepines, synthetic opiates and/or sedatives.

The Board concludes that the Department did not meet its burden of proof by a preponderance of the evidence that the Respondent abused or utilized to excess, benzodiazepines, synthetic opiates and/or sedatives. Therefore, the Third Count of the 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 for the First Count and the Second Count the Respondent's registered nurse license, No. R29559, be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing finds the misconduct regarding the First Count and the Second Count is severable and each specific offense warrants the disciplinary action imposed.

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

Dated at Hartford, Connecticut this 15th day of November, 1995.

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BOARD OF EXAMINERS FOR NURSING

By

