

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

IN RE: Judith Baer, R.N. No. R-33828
49 Marion Road
Westport, Connecticut 06880

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing ("Board") was presented by the Department of Health Services ("Department") with a Statement of Charges dated April 19, 1988.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing on April 19, 1988. The hearing took place on May 19, 1988 in the National Guard Armory, Room 112, Maxim Road, Hartford, Connecticut.

Each member of the Board involved in this decision certifies that he/she has heard the case or read the record; and that this decision is based on the evidence presented and his/her 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. Judith Baer, respondent, was at all pertinent times licensed to practice nursing as a registered nurse with registration number R-33828.

2. In accordance with Connecticut General Statutes, Section 4-182(c)(1987), respondent was provided full opportunity prior to the commencement of agency action to show compliance with all the terms for the retention of her license.

3. Respondent received notification of the hearing (Dept. Exhibit 2) and was present at the hearing with counsel.

4. During and following 1985, respondent forged prescriptions for the drugs Fiorinal and Midrin.

5. During and following 1985, respondent obtained the medications by fraud, deceit, misrepresentation or subterfuge.

6. During and following 1985, respondent abused or utilized to excess the drugs Fiorinal and Midrin.

DISCUSSION AND CONCLUSIONS

The First Count, Subsections 3(a) and 3(b) allege that respondent forged prescriptions for the drugs Fiorinal and Midrin; and obtained the medications by fraud, deceit, misrepresentation, or subterfuge.

Respondent admits these charges. (Dept. Exhibit 3). Specifically, respondent admitted, in a statement dated March 31, 1987, using her husband's (Dr. Stephen Baer, D.D.S.) prescription pad to write the forged prescriptions. (Dept. Exhibit 4, pp 1-5).

This conduct is a violation of Connecticut General Statutes Section 20-99(b)(2) and (6) (1987) which include: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions;... (6) fraud or material deception in the course of professional services or activities...." The Board concludes that respondent has violated Connecticut General Statutes Section 20-99(b)(2) and (6), as specified in the First Count, Subsections 3(a) and 3(b).

The First Count, Subsection 3(c) alleges that respondent abused or utilized to excess one or more of the medications (Fiorinal and Midrin). Respondent admits this charge. (Dept. Exhibit 3; Dept. Exhibit 4, pp 1-5).

This conduct is a violation of Connecticut General Statutes Section 20-99(b)(4) and (5)(1987) which includes: "(4) emotional disorder or mental illness;... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

The Board concludes that respondent has violated Connecticut General Statutes Section 20-99(b)(4) and (5), as specified in the First Count, Subsection 3(c).

ORDER

It is the unanimous decision of those Board members who were present and voting that:

a. Respondent's license be placed on probation for a minimum of four (4) years as follows:

- i. as to the First Count, Subsection 3a, four (4) years probation.
- ii. as to the First Count, Subsection 3b, four (4) years probation.
- iii. as to the First Count, Subsection 3c, four (4) years probation.
- iv. the four (4) year probationary periods referenced in i, ii, and iii are to run concurrently for an effective probationary period of four (4) years.

b. If respondent violates any of the following conditions of probation the Board will place respondent on immediate summary suspension, with respondent having the right of review within sixty (60) days of the effective date of suspension:

- i. Respondent must submit a copy of this Memorandum of Decision to her nursing supervisor, and have submitted bimonthly reports during the first two (2) years of probation and quarterly thereafter from her nursing supervisor documenting her ability to administer safe and effective nursing care, including the administration of controlled substances, in a drug free state.
- ii. Respondent must have submitted from Harvey R. Wasserman, M.D. and from Sue V. Bissell, Certified Addictions Counselor, separate bimonthly therapist reports for the first two (2) years of probation, and quarterly thereafter, documenting her ability to

administer safe and effective nursing care in a drug free state.

- iii. Respondent must have submitted negative random drug and alcohol screen reports; these reports will be due bimonthly for the first two (2) years of her probation and quarterly thereafter.
- iv. All bimonthly and quarterly reports are to be in the office on the first day of the month they are due.
- v. The respondent may not work for a nursing personnel provider service.
- vi. Respondent must inform the Board prior to any change of employment or of address in writing.
- vii. All correspondence and reports are to be addressed to:
Office of the Board of Examiners for Nursing
Department of Health Services
150 Washington Street
Hartford, CT 06106
- viii. Respondent shall not obtain or use any controlled drug that has not been prescribed for her for a legitimate purpose by a licensed health practitioner.

c. The period of probation shall commence September 15, 1988. The Board shall notify the Department of this decision.

Dated at *Hartford*, Connecticut, this *21st* day of *July*, 1988

BOARD OF EXAMINERS FOR NURSING

BY *Bette Jane M. Murphy, P.L.C.*

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

IN RE:

Judith Baer, RN, R33828

71 Aiken Bldg 17

Norwalk, CT 06851

AMENDED MEMORANDUM OF DECISION

The purpose of this document is to amend the Memorandum of Decision signed July 21, 1988 concerning Judith Baer, R.N. By Ms. Baer's request the Board of Examiners for Nursing, at its April 3, 1991 meeting, unanimously voted to allow Ms. Baer to change therapists to a state licensed or certified therapist.

The Board hereby informs Judith Baer and the Department of Health Services of this decision.

Dated at Hartford, Connecticut, this 2nd day of May, 1991.

BOARD OF EXAMINERS FOR NURSING

BY Lette Jean M. Murphy RN

4290/59

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

IN RE:

Judith Baer, RN, R33828

49 Marion Road

Westport, CT 06880

AMENDED MEMORANDUM OF DECISION

The purpose of this document is to amend the Memorandum of Decision signed July 21, 1988 concerning Judith Baer, R.N. By Ms. Baer's request the Board of Examiners for Nursing, at its November 9, 1989 meeting, unanimously voted to allow Ms. Baer to change therapists from Harvey R. Wasserman, M.D. to Premkuman Peter, M.D.

The Board hereby informs Judith Baer and the Department of Health Services of this decision.

Dated at Hartford, Connecticut, this 6th day of December, 1989.

BOARD OF EXAMINERS FOR NURSING

BY Sally J. ...

4768Q

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

IN RE:

Judith Baer, RN, R33828
49 Marion Road
Westport, CT 06880

RECEIVED
DEPARTMENT OF HEALTH SERVICES
1990
LABOR & INVESTIGATION
MEDICAL
INSURANCE

AMENDED MEMORANDUM OF DECISION

The purpose of this document is to amend the Memorandum of Decision signed December 6, 1989 concerning Judith Baer, R.N. By Ms. Baer's request the Board of Examiners for Nursing, at its February 1, 1990 meeting, unanimously voted to allow Ms. Baer to change counselor from Sue V. Bissell to Jean Henri Richardson, C.A.C.

The Board hereby informs Judith Baer and the Department of Health Services of this decision.

Dated at *Hartford*, Connecticut, this *27th* day of *February*, 1990.

BOARD OF EXAMINERS FOR NURSING

BY *Jean M. Murphy, RN*



STATE OF CONNECTICUT

DEPARTMENT OF HEALTH SERVICES

Rec'd

9-14-92

JG

att: njl

15 September 1992

Judith Baer
4703 Beach 47th Street
Brooklyn, NY 11224

RE: Connecticut RN License No. R33828

Dear Ms. Baer:

Your eligibility for reinstatement from probation of your registered nurse license has been reviewed, and the Board of Examiners for Nursing recommends that your license be reinstated with an effective date of September 15, 1992.

Your original license number has been reassigned to you, and will be issued following routine processing by the Department of Health Services.

Renewal of your registered nurse license is required, by law, annually during the month of your birth following the date of this letter. If the license is not renewed within ninety (90) days of the due date, it will become automatically void. This means that future reinstatement will require re-application.

State law requires you to notify this office within thirty (30) days of ANY change of address whether in or out of this state. Should you have any questions concerning this process contact this Department at 566-4979 between the hours of 1:00 p.m. and 4:00 p.m.

Sincerely,

Marie T. Hilliard, Ph.D., R.N.
Executive Officer
Board of Examiners for Nursing

MTH:jew
4290/43

cc: Richard Lynch, Assistant Attorney General
David J. Pavis, Chief, Public Health Hearing Office
John N. Boccaccio, Chief, Licensure & Registration
Joseph J. Gillen, Chief, Applications, Examinations and Licensure
Nurse Licensure, Applications, Examinations and Licensure

Phone: 203-566-1041
150 Washington Street • Hartford, Connecticut 06106
An Equal Opportunity Employer