

*Rec'd*  
*9-11-92*  
*JG*

STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.

Barbara Frazier, R.N.

License No. R34288

20 Prospect Street, Unit 61

Manchester CT 06040

CASE PETITION NO. 920619-10-035

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Statement of Charges and a Motion for Summary Suspension dated June 24, 1992.

The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Barbara Frazier (hereinafter the "Respondent").

The Motion for Summary Suspension alleged that the continued nursing practice of the Respondent represented a clear and immediate danger to the public health and safety.

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The Board found that there was a clear and immediate danger based upon the evidence presented in the Motion for Summary Suspension. The Board ordered the Summary Suspension of the Respondent's nursing license, and issued a Notice of Hearing scheduling a hearing for July 9, 1992. (State's Exhibit 1) The hearing took place on July 9, 1992 in Room 112, National Guard Armory, Maxim Road, 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 their specialized professional knowledge in evaluating the evidence.

#### FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Barbara Frazier, hereinafter referred to as Respondent, was issued Registered Nurse License Number R34288 on May 29, 1981 and was at all times referenced in the Statement of Charges the holder of said license.
2. The Respondent was present at the hearing and was represented by counsel. (Hearing Transcript, July 9, 1992, p. 3)
3. The Respondent through her attorney verbally answered to the Statement of Charges. (Hearing Transcript, July 9, 1992, pp. 7-8)

4. Pursuant to a Memorandum of Decision dated October 22, 1991, the Respondent's license, effective December 15, 1991, was placed on probation for three (3) years due, in part, to a mental illness or emotional disorder. The terms of probation required that the Respondent engage in treatment with a licensed psychiatrist who agreed to notify the Board of Examiners for Nursing should the Respondent become unable to practice nursing with reasonable skill and safety. (State's Exhibit 1) (Answer: Hearing Transcript, July 9, 1992, pp. 7-8)
  
5. The Memorandum of Decision dated October 22, 1991 provides that the Board, upon notification by the Respondent's psychiatrist that the Respondent is unable to practice nursing with reasonable skill and safety, shall order the immediate suspension of her license.
  
6. That on June 15, 1992 the Board of Examiners for Nursing received a letter from the Respondent's psychiatrist, Peter Benet, M.D., in which he wrote "While stable, I believe her to be unable to function as a registered nurse at this time."  
(State's Exhibit 1) (Hearing Transcript, July 9, 1992, p. 5)
  
7. The Respondent has not practiced nursing since on or about July 1991 (Hearing Transcript, July 9, 1992, p. 29) due to her awareness that her concentration and judgement were impaired as a result of her mental illness and emotional disorder.  
(Respondent's Exhibit A) (Hearing Transcript, July 9, 1992, pp. 16-17)

8. That in a letter dated July 1, 1992 the Respondent's psychiatrist, Peter Benet, M.D., states that he is of the opinion that the Respondent cannot presently function in a clinical nursing function, however, he feels the Respondent can practice non-clinical nursing with reasonable skill and safety. (Respondent's Exhibit A)
  
9. That the Respondent feels she cannot function in a clinical setting at this time but can function in a non-clinical capacity. (Hearing Transcript, July 9, 1992, pp. 17-18, 24)
  
10. The Respondent is continuing in treatment with Peter Benet, M.D., who agrees to notify the Board of Examiners for Nursing should the Respondent, at any time, be unable to practice nursing with reasonable skill and safety. (Respondent's Exhibit A)

#### DISCUSSION AND CONCLUSIONS

The FIRST COUNT of the Statement of Charges alleges the Respondent is unable to practice nursing with reasonable skill and safety due to a mental illness and/or emotional disorder and is therefore subject to disciplinary action pursuant to the General Statutes of Connecticut Section 20-99(a) and 19a-17.

The Respondent does not dispute that she suffers from a mental illness and/or emotional disorder but denies that she is unable to practice nursing with reasonable skill and safety. (Answer: Hearing Transcript, July 9, 1992, pp. 7-8)

Pursuant to a Memorandum of Decision dated October 22, 1991 (State's Exhibit 1) the Respondent's registered nurse license was placed on probation for three (3) years effective December 15, 1991. The probation was ordered due, in part, to the Respondent suffering from a mental illness and/or emotional disorder which, in the Board's conclusion, would render the Respondent unable to practice nursing with reasonable skill and safety if not properly treated.

Conditions of the probation required that the Respondent engage in treatment with a licensed psychiatrist who would notify the Board of Examiners for Nursing should the Respondent become unable to practice nursing with reasonable skill and safety. The Memorandum of Decision further provided that should said notification be received by the Board, the immediate suspension of the Respondent's license would be ordered.

On June 15, 1992 the Board received a letter from the Respondent's psychiatrist, Peter Benet, M.D., in which he stated "I believe her to be unable to function as a registered nurse at this time". (FACT 6) Based on this notification and pursuant to the October 22, 1991 Memorandum of Decision the Board ordered the summary suspension of the Respondent's license thereby necessitating this hearing.

In making a determination on this count the Board considered the credible testimony of the Respondent and a letter written by the Respondent's psychiatrist, Peter Benet, M.D., dated July 1, 1992. (Respondent's Exhibit A)

Dr. Benet clarified his position regarding the Respondent's ability to function as a registered nurse. He states that it is his opinion that the Respondent cannot presently function in a clinical capacity but would be able to practice in a non-clinical setting. (FACT 8)

Dr. Benet's letter and the testimony of the Respondent indicates that the Respondent is aware of her present limitations and capabilities and in fact it was this awareness that prompted the Respondent to discontinue her practice of nursing in July 1992. (FACT 7)

The Respondent has no immediate plans to resume the practice of nursing but testified that should she do so it would be in a non-clinical setting. (FACT 9)

Dr. Benet states the Respondent continues to cooperate in treatment with him, and that he would immediately notify the Board should the Respondent become unable to practice nursing with reasonable skill and safety. (FACT 10)

The Board concludes the Respondent continues to suffer from a mental illness and/or emotional disorder which is in need of and is continuing to be adequately treated by her psychiatrist.

Furthermore the Respondent's psychiatrist and, most importantly, the Respondent recognize her capabilities and limitations such that should the Respondent return to the practice of nursing she would do so in a setting in which she would be able to practice with reasonable skill and safety. Therefore, the First Count is dismissed.

ORDER

Pursuant to its authority under the General Statutes of Connecticut Sections 19a-17 and 20-99, the Board hereby orders:

1. The Summary Suspension of the Respondent's license is vacated on the date this Memorandum of Decision becomes effective.
2. The period of probation and terms thereof as set forth in the Memorandum of Decision dated October 22, 1991 shall remain in effect.
3. This Memorandum of Decision becomes effective on the date it is accepted and signed by the Board.

The Board of Examiners for Nursing hereby informs the Respondent, Barbara Frazier, and the Department of Health Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 10th day of September, 1992.

BOARD OF EXAMINERS FOR NURSING

By

Janice Thibodeau

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# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES  
BUREAU OF HEALTH SYSTEM REGULATION

RECEIVED  
DEPT. OF PUB. HEALTH & ADDICTION SVCS

JUL 06 1995

PUBLIC HEALTH HEARING OFFICE  
DIVISION OF MEDICAL  
QUALITY ASSURANCE

July 3, 1995

Barbara Frazier  
20 Prospect Street #61  
Manchester CT 06040

RE: Connecticut RN License No. R34288

Dear Ms. Frazier:

You have fulfilled the terms of the probation of your license. The probationary status of your registered nurse license has been removed effective July 1, 1995.

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. This is a process of having your credentials re-evaluated.

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 203-566-4979.

Sincerely,

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

MTH:jew  
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cc: Richard J. Lynch, Assistant Attorney General  
✓ Donna Buntaine Brewer, Chief, Public Health Hearing Office  
Joseph J. Gillen, Chief, Applications, Examinations and Licensure  
Debra Tomassone, Chief, Licensure & Registration