

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.

Robert Fitch, RN, R34635

165 Taaffe Place

Brooklyn, NY 11205

CASE PETITION NO. 861201-10-045

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 dated October 14, 1988 and presented with an amended Statement of Charges dated April 26, 1990.

The Statement of Charges alleged violations of certain provision of Chapter 378, General Statutes of Connecticut. The Board issued a Notice of Hearing dated October 27, 1988 and Notice of Continuance dated May 18, 1990 and September 10, 1990. The hearing took place on September 27, 1990 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she 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. Robert Fitch, hereinafter referred to as Respondent, was issued Connecticut Registered Nurse license number R34635 on September 28, 1981.
2. Pursuant to the General Statutes of Connecticut, Section 4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of his license.
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 1 indicates that notice of the location and time of this hearing were delivered by certified mail to the Respondent.
4. The Respondent, while working as a registered nurse at the Darien Convalescent Center, in Darien, Connecticut, on or about September 22, 1986, failed to timely recognize the seriousness of a patient's deteriorating condition.
5. The Respondent, while working as a registered nurse at the Darien Convalescent Center, in Darien, Connecticut, on or about September 22, 1986, administered medication without a physician's order.

6. The Respondent, while working as a registered nurse at the Darien Convalescent Center, in Darien, Connecticut, on or about September 22, 1986, failed to administer ordered medication.
7. The Respondent, while working as a registered nurse at the Darien Convalescent Center, in Darien, Connecticut, on or about September 22, 1986, failed to timely notify a patient's physician of an acute deterioration in the patient's condition.
8. The Respondent, while working as a registered nurse at the Darien Convalescent Center, in Darien, Connecticut, on or about September 22, 1986, failed to completely, appropriately, or accurately notify a physician of a patient's history.
9. The Respondent, while working as a registered nurse at the Darien Convalescent Center, in Darien, Connecticut, on or about September 22, 1986, failed to completely, appropriately and accurately make documentations in the medical record.

DISCUSSION AND CONCLUSIONS

The First Count, Subsection 3a, alleges that while employed as a registered nurse at the Darien Convalescent Center in Darien, Connecticut, on or about September 22, 1986, the Respondent failed to timely recognize the seriousness of a patient's deteriorating condition. Respondent denies these charges. (Respondent Exhibit A pp. 3-5)

The Board refers to Department Exhibit 3 in which the Respondent documented on September 22, 1986 that the patient was experiencing epigastric pain at 1:00 a.m., that the patient complained of shortness of breath at 2:00 a.m. and that Dr. Spencer was notified at 4:15 a.m. Department Exhibit 7 documents that Dr. Neuberger was notified of the patient's progressive shortness of breath and epigastric pain approximately 3:00 to 4:00 a.m. on September 22, 1986. Department Exhibit 9 documents the sequence of events.

This conduct is a violation of the General Statutes of Connecticut Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...." The Board concludes that the Respondent has violated the General Statutes of Connecticut Section 20-99(b)(2), as specified in the First Count, Subsection 3a.

The First Count, Subsection 3b, alleges that while employed as a registered nurse at the Darien Convalescent Center in Darien, Connecticut, on or about September 22, 1986, the Respondent administered medication without a physician's order. Respondent denies these charges. (Respondent Exhibit A pp. 3-5)

The Board refers to Department Exhibit 8, p.18 of the Investigation of Complaint by the Department of Health Services which concludes that the Maalox antacid was administered without the benefit of a physician's order.

This conduct is a violation of the General Statutes of Connecticut Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...." The Board concludes that the Respondent has violated the General Statutes of Connecticut Section 20-99(b)(2), as specified in the First Count, Subsection 3b.

The First Count, Subsection 3c, alleges that while employed as a registered nurse at the Darien Convalescent Center in Darien, Connecticut, on or about September 22, 1986, the Respondent failed to administer ordered medication. Respondent denies these charges. (Respondent Exhibit A pp. 3-5)

The Board refers to Department Exhibit 3 Medical Record which lists "Nitrostat SL 0.4 mg. prn chest pain." (Department Exhibit 3, p. 10)

This conduct is a violation of the General Statutes of Connecticut Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...." The Board concludes that the Respondent has violated the General Statutes of Connecticut Section 20-99(b)(2), as specified in the First Count, Subsection 3c.

The First Count, Subsection 3d, alleges that while employed as a registered nurse at the Darien Convalescent Center in Darien, Connecticut, on or about September 22, 1986, the Respondent failed to timely notify the patient's physician of an acute deterioration in the patient's condition. Respondent denies these charges. (Respondent Exhibit A p. 2-4)

The Board refers to Department Exhibit 9, p.17 Report of Investigator, Public Health Hearing Office which notes that the patient became cyanotic at 2:00 a.m. and the physician was notified at 4:15 a.m.

This conduct is a violation of the General Statutes of Connecticut Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...." The Board concludes that the Respondent has violated the General Statutes of Connecticut Section 20-99(b)(2), as specified in the First Count, Subsection 3d.

The First Count, Subsection 3e, alleges that while employed as a registered nurse at the Darien Convalescent Center in Darien, Connecticut, on or about September 22, 1986, the Respondent failed to completely, appropriately or accurately notify a physician of a patient's history. Respondent denies these charges. (Respondent Exhibit A p. 2-5)

The Board refers to Department Exhibit 6, Statement of Julia M. Weaver, Director of Nursing Services at Darien Convalescent Home, which states that the Respondent told the physician that the patient "...had no cardiac diagnosis (he does)."

This conduct is a violation of the General Statutes of Connecticut Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...." The Board concludes that the Respondent has violated the General Statutes of Connecticut Section 20-99(b)(2), as specified in the First Count, Subsection 3e.

The First Count, Subsection 3f, alleges that while employed as a registered nurse at the Darien Convalescent Center in Darien, Connecticut, on or about September 22, 1986, the Respondent failed to cooperate or direct cooperation by staff with ambulance attendants transferring a patient from the facility. Respondent denies these charges. (Respondent Exhibit A p. 2-4)

The Board refers to Department Exhibit 5 (p. 2), Report of Ace Ambulance Service, Inc., which states in part "...unable to ascertain past history from RN on duty...staff was not cooperative to EMS."

This conduct is a violation of the General Statutes of Connecticut Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...." The Board concludes that the Respondent has not violated the General Statutes of Connecticut Section 20-99(b)(2), as specified in the First Count, Subsection 3f.

The First Count, Subsection 3g, alleges that while employed as a registered nurse at the Darien Convalescent Center in Darien, Connecticut, on or about September 22, 1986, the Respondent failed to

completely, appropriately or accurately make documentations in the medical records. The Respondent denies these charges. (Respondent Exhibit A pp. 3-5)

The Board refers to Department Exhibit 6, Statement of Julia Weaver, Director of Nursing Services at Darien Convalescent Home, which states that the W-10 form sent to the hospital with the patient was inadequately filled out.[†]

The Board also refers to Respondent Exhibit A p. 3-5 which includes nursing note content which were typed after the incident. The Board found these notations to be submitted late and found the credibility of the notes questionable because they were re-written after the original notes were entered in the medical record.

This conduct is a violation of the General Statutes of Connecticut Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...." The Board concludes that the Respondent has violated the General Statutes of Connecticut Section 20-99(b)(2), as specified in the First Count, Subsection 3g.

ORDER

It is the unanimous decision of those members of the Board of Examiners for Nursing who were present and voting that the license of the Respondent be revoked for each of the Subsections of the First Count, except for Subsection 3f, which was dismissed.

The date of this revocation shall commence on February 1, 1991.

The Respondent, Robert Fitch, is hereby directed to surrender his license and current registration to the Board of Examiners for Nursing, 150 Washington Street, Hartford, Connecticut 06106, on or about February 1, 1991.

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

Dated at Hartford, Connecticut, this 6th day of December, 1990.

BOARD OF EXAMINERS FOR NURSING

BY Little John M. Murphy, R.N.

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