

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

RE: William Zajac  
Registered Nurse Lic. No. R41384

Petition No. 2006-0216-010-014

**MEMORANDUM OF DECISION**

*Procedural Background*

William Zajac (hereinafter "petitioner") was issued registered nurse license number R41384.

Pursuant to a Memorandum of Decision dated September 21, 1994, the Board of Examiners for Nursing (hereinafter "the Board") ordered the revocation of petitioner's registered nurse license.

In a letter dated December 15, 2005, petitioner requested that the Board reinstate his registered nurse license. Resp. Exh. 1-tab 1.

Pursuant to petitioner's request, the Board issued a Notice of Hearing dated February 7, 2006, scheduling a hearing for June 21, 2006. Board Exh. 1.

The hearing took place on June 21, 2006, at the Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Petitioner was present at the hearing but was not represented by counsel. Transcript, June 21, 2006.

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.

*Findings of Fact*

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Pursuant to Memorandum of Decision dated September 21, 1994, the Board ordered the revocation of petitioner's registered nurse license. The order was based on the Board's findings that petitioner physically and/or verbally abused elderly patients while working as a registered nurse at Day Kimball Hospital, Putnam, Connecticut. In addition, the Board found that petitioner, while working in the capacity as a nursing supervisor at Day Kimball Hospital, inappropriately touched and made sexually suggestive remarks to female staff. Dept. Exh. 1.

2. Subsequent to the revocation of his Connecticut registered nurse license, petitioner continued to work as registered nurse in the State of Massachusetts until 1997. Based on the revocation of petitioner's Connecticut license his Massachusetts registered nurse license was revoked in 1999. No additional misconduct was alleged in Massachusetts. Resp. Exh. 1-tabs 1 and 2.
3. Since in or about March 1998, petitioner has been employed as a commercial truck driver by United Natural Foods, Dayville, Connecticut. Petitioner's annual performance reviews have been consistently above average in the area of interpersonal behavior. Resp. Exh. 1-tabs 2 and 5.
4. Since October 1999 petitioner has engaged in individual psychotherapy that has focused on character structure and interpersonal style and how petitioner's actions and words impact upon others. Petitioner's therapist is of the opinion that petitioner has greatly improved with social interactions and is capable of returning to the practice of nursing. Resp. Exh. 1-tab 2.
5. Since October 1996, petitioner has frequently completed nursing continuing education courses. Resp. Exh. 1-tab 7.

#### ***Discussion and Conclusions of Law***

As stated in the Notice of Hearing, petitioner has the burden of satisfying the Board that he is able to practice as a registered nurse with reasonable skill and safety:

The Board finds that the petitioner has presented relevant and credible evidence to sustain his burden of satisfying the Board of his ability to return to the practice of nursing under the terms of the Order described below.

#### ***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. Registered nurse license No. R41384, of petitioner, William Zajac, shall be reinstated to probationary status subject to the following conditions.
  - A. Petitioner shall successfully complete a Board approved registered nurse/ refresher program.

- B. Certification of successful completion of the refresher program cited in Paragraph 1A shall be submitted to the Board, directly from the educational institution where said program was taken, within thirty (30) days of the program's completion.
  - C. Petitioner shall make application to the licensing authority of the Department of Public Health (hereinafter "the Department"). Petitioner shall be administered the licensing examination for registered nurses. Petitioner shall incur all expenses associated with applying for and taking the licensing examination.
  - E. Petitioner shall attain a passing score on the licensing examination for registered nurses.
  - F. Until such time that petitioner successfully completes the refresher program and has attained a passing score on the licensing examination, petitioner is prohibited from practicing as a nurse, and petitioner's registered nurse license will be restricted and used for the sole purpose of participating in the refresher program.
2. Commencing on the date petitioner is notified by the Department that he has passed the registered nurse licensing examination, petitioner's registered nurse license No. R41384, shall be placed on probation until such time that he has completed two thousand (2000) hours of employment as a registered nurse in the State of Connecticut.
3. If any of the following conditions of probation are not met, petitioner'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 respondent's employment and/or change of employment within the nursing profession.  
Respondent shall not be employed as a nurse for a personnel provider service, assisted living services agency, homemaker-home health aide agency, or home health care agency, and shall not be self-employed as a nurse for the period of probation.

- B. Petitioner 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. Petitioner shall not work in a supervisory capacity during the first one thousand (1000) hours of employment as a nurse during the probationary period.
- D. If employed as a nurse, petitioner shall cause employer reports to be submitted to the Board, by his immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of the month following employment as a nurse. Employer reports shall be submitted monthly during the entire period of probation.
- E. The employer reports cited in Paragraph 3D above shall include documentation of petitioner's ability to safely and competently practice nursing and his ability to appropriately interact with others. Employer reports shall be submitted directly to the Board at the address cited in Paragraph 3M below.
- F. Should petitioner's employment as a nurse be involuntarily terminated or suspended, respondent and his employer shall notify the Board within seventy-two (72) hours of such termination or suspension.
- G. If petitioner pursues further training in any subject area that is regulated by the Department, petitioner shall provide a copy of this Memorandum of Decision to the educational institution or, if not the institution, to petitioner's instructor. Such institution or instructor shall notify the Department in writing of receipt of a copy of this Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph 3M below.
- H. At his expense, petitioner shall engage in counseling with a licensed or certified therapist, approved by the Board and the Department, during the entire period of probation. The counseling shall emphasize appropriate interpersonal behavior.

- I. Petitioner shall provide a copy of this Memorandum of Decision to his therapist. The Board shall be notified in writing by his therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- J. Petitioner shall cause monthly evaluation reports to be submitted to the Board by his therapist during the entire probationary period.
- K. The therapist reports cited in Paragraph J above shall include documentation of dates of treatment, and an evaluation of petitioner's ability to safely and competently practice nursing including his ability to appropriately interact with others. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph 3M below.
- L. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- M. All correspondence and reports are to be addressed to:

**Department of Public Health**  
**Division of Health Systems Regulation**  
410 Capitol Avenue, MS #12HSR  
P. O. Box 340308  
Hartford CT 06134-0308

- 4. That any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that petitioner has violated this Order will subject petitioner to sanctions under § 19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of his 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 of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to petitioner's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).

5. That this Memorandum of Decision becomes effective on the date signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs petitioner, William Zajac, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 6th day of December, 2006.

BOARD OF EXAMINERS FOR NURSING

By Joan Dolibius CRNA, APRN

## CERTIFICATION

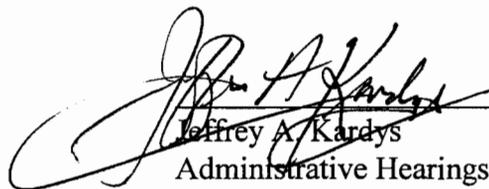
I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 14<sup>th</sup> day of December 2006, by certified mail, return receipt requested and first class mail, to:

William Zajac, RN  
86 Brandy Hill  
Thompson, CT 06277

Certified Mail RRR #70042510000753840800

and by Inter-Departmental Mail to:

Stanley K. Peck, Director  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
Hartford, CT 06134-0308



Jeffrey A. Kardys

Administrative Hearings Specialist/Board Liaison  
Department of Public Health  
Public Health Hearing Office