

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Rec'd
9-1-92
[Signature]

Department of Health Services v.

Linda M. Bradshaw, R.N.

License No. R44612

13C Sylvan Trail

Ballston Lake, NY 12019

CASE PETITION NO. 900308-10-018

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 March 11, 1992. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Linda M. Bradshaw (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated March 12, 1992. The hearing originally scheduled for April 9, 1992 was continued. The hearing was rescheduled and heard on May 27, 1992 and June 2, 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. Linda M. Bradshaw, hereinafter referred to as Respondent, was aware of the time and location of the hearing. State's Exhibit 1 and 2 and Officially Noticed No. 1 indicates that notification of this hearing was delivered by certified mail to the Respondent.
2. The Respondent was not present at the hearing and was not represented by counsel. (Hearing Transcript, May 27, 1992, pp. 2-3) The Respondent submitted a written response to the Statement of Charges. (State's Exhibit 9)
3. 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 her license. (State's Exhibit 12)
4. The Respondent was issued Connecticut Registered Nurse License Number R44612 on July 3, 1989 and was at all times referenced in the Statement of Charges the holder of said license. (State's Exhibits 9, 10)

5. That during September, October and November 1989, while employed as a primary care nurse by United Community Services, Inc., Norwich, Connecticut, the Respondent provided nursing care to patient Mary Nolan, Taftville, Connecticut. The nursing care was rendered in the patient's home. (State's Exhibits 3, 5, 6, 7 and 9)
6. That care was also rendered to patient Mary Nolan by home health aides and neighbors of the patient. (State's Exhibits 3, 5, 6, 7 and 9)
7. That as a primary care nurse, the Respondent was responsible for instructing and supervising the home health aides. (Hearing Transcript, May 27, 1992, p. 67)
8. That on September 20, 1989 the Respondent made an initial home visit to assess the patient's condition. (State's Exhibits 3, 6)
9. That on September 29, 1989 the Respondent was notified by a home health aide that the patient had developed "open areas" on the coccyx which were draining. (State's Exhibits 3, 5, 6)
10. That on September 29, 1989 the Respondent notified the patient's physician who ordered that Bacitracin and sterile dressings be applied to "open areas" (decubitus). (State's Exhibits 3, 5, 6, 7)

11. That the Respondent did not visit the patient to assess the patient's decubitus until October 6, 1989. On this date the Respondent documented a description of the patient's condition in the nursing notes. (State's Exhibits 3, 6)
12. That during visits to the patient on October 16, 17 and 18, 1989 the Respondent documented in the patient record a description of the decubitus on the patient's back. (State's Exhibits 3, 6)
13. That the Respondent did not instruct home health aides in the proper care of decubitus. (State's Exhibits 3, 6, 8)
14. That on October 20, 1989 and October 23, 1989 the Respondent was notified by home health aides that the patient's condition was worsening. (State's Exhibits 3, 5, 6)
15. That on October 20, 1989 the Respondent received orders from the patient's physician changing the medication which was to be applied to the patient's decubitus (State's Exhibit 7)
16. That despite being advised of a change in the patient's condition, the Respondent did not visit the patient until October 31, 1989 at which time she documented in the patient record a worsening of the patient's condition. (State's Exhibits 3, 6)
17. That despite being informed of the patient's worsening condition on October 23, 1989 the Respondent did not contact the patient's physician until October 31, 1989. (State's Exhibits 3, 6)

18. That home health aides under the supervision of the Respondent and with the knowledge of the Respondent applied medication and dressings to the patient's decubitus and were instructed to assess the patient's response to treatment. (State's Exhibits 3, 5, 6, 8, 9)

19. That the coordination of care with the patient's physician was delegated by the Respondent to the neighbors and the home health aides. (State's Exhibits 3, 6, 8)

20. The Respondent's last involvement in the care rendered to patient Mary Nolan occurred during a home visit on November 1, 1989. (State's Exhibits 3, 6)

DISCUSSION AND CONCLUSIONS

The FIRST COUNT PARAGRAPH 3a of the Statement of Charges alleges the Respondent, while licensed as a registered nurse and while providing care to patient Mary Nolan, "...failed to respond properly to a change in her patient's condition...."

The Respondent was not present at the hearing to answer to this charge.

In her written response (State's Exhibit 9), the Respondent states she was relatively new as a home health nurse and was unfamiliar with many of the rules and regulations concerning how situations should be handled. The Respondent further states her orientation and guidance were not thorough and that her requests for assistance and advice were not satisfactorily answered.

Based on review of the nursing narrative notes pertaining to patient Mary Nolan (State's Exhibit 6) the Board has determined that the Respondent, upon being notified of a change in the patient's condition, failed to visit the patient in a timely fashion to make an assessment of the patient's condition. (FACTS 9, 11, 14, 16)

The General Statutes of Connecticut Section 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...."

The Board concludes that the Respondent's conduct as specified in the First Count Paragraph 3a is a violation of the General Statutes of Connecticut Section 20-99(b)(2) and therefore renders the Respondent subject to disciplinary action pursuant to the General Statutes of Connecticut.

The FIRST COUNT PARAGRAPH 3b of the Statement of Charges alleges the Respondent, while licensed as a registered nurse and while providing care to patient Mary Nolan, "...did not make sufficient visits as warranted by the patient's condition...."

The Respondent was not present at the hearing to answer to this charge.

In her written response (State's Exhibit 9), the Respondent states she made as many visits to the patient that her supervisor thought would be paid for.

The Board has concluded that it was beyond the responsibility of the Respondent to determine the frequency of visits to be made to patient Mary Nolan. Therefore, the First Count Paragraph 3b is dismissed.

The FIRST COUNT PARAGRAPH 3c of the Statement of Charges alleges the Respondent, while licensed as a registered nurse and while providing care to patient Mary Nolan "...did not identify changes in the patient's condition...."

The Respondent was not present at the hearing to answer to this charge.

In her written response (State's Exhibit 9), the Respondent did not address this charge.

Based on review of the nursing narrative notes pertaining to patient Mary Nolan (State's Exhibit 6) the Board has determined that the Respondent did identify changes in the patient's condition as evidenced by the Respondent's documentation in the narrative notes. (FACTS 11, 12, 16) Therefore, the First Count Paragraph 3c is dismissed.

The FIRST COUNT PARAGRAPH 3d of the Statement of Charges alleges the Respondent, while licensed as a registered nurse and while providing care to patient Mary Nolan, "...did not properly notify the physician of changes in the patient's condition...."

The Respondent was not present at the hearing to answer to this charge.

In her written response (State's Exhibit 9), the Respondent states the physician was called many times concerning the patient's condition.

Based on review of the patient records pertaining to Mary Nolan (State's Exhibit 6, 7) the Board determined that the Respondent communicated with the patient's physician on three (3) occasions. (FACTS 10, 15, 17)

The Board concludes the Respondent communicated with the physician an insufficient number of times with regard to changes in the patient's condition. Furthermore, the Respondent failed to notify the physician of changes in the patient's condition in a timely fashion. (FACT 17)

The General Statutes of Connecticut Section 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...."

The Board concludes that the Respondent's conduct as specified in the First Count Paragraph 3d is a violation of the General Statutes of Connecticut Section 20-99(b)(2) and therefore renders the Respondent subject to disciplinary action pursuant to the General Statutes of Connecticut.

The FIRST COUNT PARAGRAPH 3e of the Statement of Charges alleges the Respondent, while licensed as a registered nurse and while providing care to patient Mary Nolan, "...improperly delegated her duties to the home health aide...."

The Respondent was not present at the hearing to answer to this charge.

In her written response (State's Exhibit 9), the Respondent did not address this charge.

The Board reviewed records pertaining to the care rendered to patient Mary Nolan (State's Exhibits 3, 5, 6) and considered the comments of Nurse Consultant, Patricia Kucharski, R.N. (State's Exhibit 8) (Hearing Transcript, May 27, 1992, pp. 19-24)

The Board concludes that the Respondent improperly delegated nursing functions to home health aides. Specifically, home health aides, under the Respondent's supervision and with the Respondent's knowledge, applied medication and dressings to the patient's decubitus and assessed the patient's response to treatment. (FACT 18)

The General Statutes of Connecticut Section 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...."

The Board concludes that the Respondent's conduct as specified in the First Count Paragraph 3e is a violation of the General Statutes of Connecticut Section 20-99(b)(2) and therefore renders the Respondent subject to disciplinary action pursuant to the General Statutes of Connecticut.

The FIRST COUNT PARAGRAPH 3f of the Statement of Charges alleges the Respondent, while licensed as a registered nurse and while providing care to patient Mary Nolan, "...did not instruct care givers in the proper care of her patient...."

The Respondent was not present at the hearing to answer to this charge.

In her written respondent (State's Exhibit 9), the Respondent states she tried to explain how to carry out care and the reasons for it but that some of the explanations may not have been as explicit as they should have been.

The Board concludes the Department presented insufficient evidence to provide this charge. Therefore, the First Count Paragraph 3f is dismissed.

The FIRST COUNT PARAGRAPH 3g of the Statement of Charges alleges the Respondent, while licensed as a registered nurse and while providing care to patient Mary Nolan, "...failed to implement appropriate nursing measures for decubitus care..."

The Respondent was not present at the hearing to answer to this charge.

In her written response (State's exhibit 9), the Respondent did not address this charge.

Based on its review of records pertaining to the care rendered to patient Mary Nolan (State's Exhibits 3, 5, 6), the comments of Nurse Consultant Patricia Kucharski (State's Exhibit 8) (Hearing Transcript, May 27, 1992, pp. 19-24) and its conclusion that the Respondent did not respond properly to changes in the patient's condition (First Count Paragraph 3a) the Board concludes the Respondent did not implement appropriate nursing measures for decubitus care.

The General Statutes of Connecticut Section 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...."

The Board concludes that the Respondent's conduct as specified in the First Count Paragraph 3g is a violation of the General Statutes of Connecticut Section 20-99(b)(2) and therefore renders the Respondent subject to disciplinary action pursuant to the General Statutes of Connecticut.

The FIRST COUNT PARAGRAPH 3h of the Statement of Charges alleges the Respondent, while licensed as a registered nurse and while providing care to patient Mary Nolan, "...failed to properly coordinate the care of her patient."

The Respondent was not present at the hearing to answer to this charge.

In her written response (State's Exhibit 9), the Respondent state's she explained care to home health aides for them to write out for the family. She state's she should have instructed family members directly.

Based on its review of records pertaining to the care rendered to patient Mary Nolan (State's Exhibits 3, 6, 8) and its conclusion that the Respondent delegated nursing functions to home health aides (First Count Paragraph 3c), the Board concludes the Respondent did not adequately communicate with the patient's physician and care givers and in fact delegated the coordination of care with the patient's physician to neighbors and home health aides. (FACT 19)

The General Statutes of Connecticut Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which concludes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

The Board concludes that the Respondent's conduct as specified in the First Count Paragraph 3h is a violation of the General Statutes of Connecticut Section 20-99(b)(2) and therefore renders the Respondent subject to disciplinary action pursuant to the General Statutes of Connecticut.

ORDER

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

1. That for the First Count Paragraphs 3a, 3d, 3e, 3g and 3h the Respondent be issued a letter of reprimand.
2. That for the First Count Paragraphs 3a, 3d, 3e, 3g and 3h, the registered nurse license of the Respondent be placed on probation for a period of one (1) year.
3. If any of the following conditions of probation are not met, the Respondent's license may be immediately revoked.
 - A. She shall provide a copy of this Memorandum of Decision to any and all employers. The Board shall be notified in writing by her employer(s), within thirty (30) days of the effective date of this decision, as to receipt of a copy of this Memorandum of Decision.

- B. Should the Respondent change employment at any time during the probationary period, she shall immediately provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board in writing, within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.

- C. She shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency for the period of her probation.

- D. During the probationary period the Respondent must successfully complete a course in Nursing Care Planning which shall include Nursing Assessment.

- E. The course cited in (D) above must be approved by the Board prior to commencement.

- F. That an official transcript certifying her successful completion of the course cited in (D) above shall be forwarded to the Board, at the address cited in (I) below, directly from the educational institution at which the course was taken.

- G. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.

H. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of Respondent's address.

I. 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

3. If the conditions of probation are not met or if there is any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing it will constitute a violation of probation and will subject the Respondent to sanctions under the General Statutes of Connecticut, Section 19-17(a) and (c) including but not limited to the revocation of her license. Any extension of time or grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be waived or preclude the Board's right to take action at a later time. The Connecticut Board of Examiners for Nursing shall not be required to grant any future extension of time or grace periods. Notice of revocation or other disciplinary action shall be sent to her address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Health Services or the Connecticut Board of Examiners for Nursing).
4. This Memorandum of Decision becomes effective and the one (1) year probation period of the Respondent's license shall commence on November 1, 1992.

5. This Memorandum of Decision shall serve as the letter of
reprimand.

The Board of Examiners for Nursing hereby informs the Respondent,
Linda M. Bradshaw, 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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