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CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. _____

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

IN RE: Vincent A. Marino, R.N.
21 Lafayette Road
Marlborough, CT 06447

Petition No. 921208-10-062

CONSENT ORDER

WHEREAS, Vincent A. Marino, R.N. (hereinafter "respondent") of Marlborough, Connecticut has been issued license number R44845 to practice as a registered nurse by the Department of Public Health and Addiction Services (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. On or about September 17, 1992, while working as a nurse at Hartford Hospital, Hartford, Connecticut and assigned to care for an elderly female ALS patient, A.H., respondent:
 - a. engaged in sexually provocative conduct and/or used sexually explicit profanity in A.H.'s presence;
 - b. moved A.H.'s call button to prevent her from summoning assistance;
 - c. threatened to shove a fan in A.H.'s face;
 - d. continued to care for A.H. that evening after A.H. had communicated her fear of respondent to other Hartford Hospital staff members; and/or,

e. failed to document or report to his supervisor the incidents described above and/or A.H.'s report of the same to other staff members in timely fashion.

2. The above-described conduct constitutes violations of Connecticut General Statutes §20-99(b), including but not limited to §20-99(b)(2) and/or §20-99(b)(4).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations at a hearing before the Connecticut Board of Examiners for Nursing (hereinafter "the Board"). Respondent does not admit to having violated any statute or regulation, including but not limited to §20-99(b) of the General Statutes of Connecticut. Respondent further agrees that this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(b) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-99(a) of the General Statutes of Connecticut, Vincent A. Marino, R.N. hereby stipulates and agrees to the following:

1. That respondent waives his right to a hearing on the merits of this matter.
2. That respondent's license number R44845 to practice as a registered nurse in the State of Connecticut is hereby suspended for a period of two (2) years, retroactive to June 29, 1993.
3. That following reinstatement of his license, respondent shall comply with all federal and state statutes and regulations applicable to his profession.

4. That concurrent with said suspension, respondent's license number R44845 is hereby placed on probation for a period of four and one-half years; that is, his license will be on probation during the term of suspension and for two and one-half (2 1/2) years thereafter. Respondent's probation shall be subject to the following terms and conditions:

A. At his own expense, he shall submit to and complete a psychiatric evaluation by a licensed psychiatrist and/or psychologist approved by the Department and the Board. Such evaluation shall be completed and the report of such evaluation shall be delivered to the Department and the Board within ninety (90) days from the date the last signatory signs this Consent Order.

1. The evaluator's report shall include an opinion that respondent is able to practice nursing with reasonable skill and safety.
2. If the evaluator's report does not conclude that respondent is able to practice nursing with reasonable skill and safety, that fact shall constitute a violation of this Consent Order.

B. In the event respondent's evaluator determines that respondent requires treatment, respondent shall engage in therapy and counselling with a licensed or certified therapist approved by the Board and the Department for the entire probationary term.

- (1) He shall provide a copy of this Consent Order to his therapist.
- (2) His therapist shall furnish written confirmation to the Board and the Department of his/her engagement in that capacity and

receipt of a copy of this Consent Order no later than ninety (90) days after his evaluator identified in paragraph 4A above, has recommended treatment.

(3) If respondent's therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy is warranted, or that respondent should be transferred to another therapist, he/she shall advise the Board and the Department. Said term of therapy, reduction in frequency of therapy and/or transfer to another therapist shall not occur until approved by the Board after consultation with the Department.

(4) The therapist shall immediately notify the Board and the Department in writing if respondent discontinues therapy and/or terminates his/her services.

C. Respondent shall be responsible for the provision of written reports from his therapist directly to the Board and the Department quarterly for the duration of the probationary period. Such reports shall include documentation of dates of therapy, an evaluation of respondent's progress in treatment and an evaluation of his ability to safely and competently practice nursing.

D. Notwithstanding the foregoing, respondent's therapist shall immediately report to the Board and the Department any conduct or condition on respondent's part which does or may violate any federal or state statute or regulation applicable to his profession.

E. At his own expense, respondent shall fully participate in and complete a gender sensitization course pre-approved by the

Board after consultation with the Department
~~Department~~ within ninety (90) days of the date the last signatory signs this Consent Order.

- F. After respondent has completed the period of suspension, he shall not accept employment as a nurse for a personnel provider service, visiting nurse agency or home health care agency, and shall not be self-employed as a nurse for the duration of his probation.
- G. After respondent has completed the period of suspension specified in paragraph 2 above, he shall provide a copy of this Consent Order to all current and future employers for the duration of his probation.
- H. After respondent has completed the period of suspension specified in paragraph 2 above, he shall be responsible for the provision of written reports directly to the Board and the Department from his nursing supervisor (i.e., Director of Nursing) quarterly for the duration of his probation. Employer reports shall include documentation of respondent's ability to safely and competently practice nursing, and shall be issued to the Board and the Department at the address cited in paragraph 4K below.
- H. Respondent shall notify the Board and the Department in writing of any change of employment within fifteen (15) days of such change.
- I. Respondent shall notify the Board and the Department of any change in his home or business address within fifteen (15) days of such change.
- J. All quarterly reports required in paragraphs 4C and 4H are due on the tenth business day of January, April, July and October, and

shall commence with the reports due July 1995.

K. All correspondence and reports shall be addressed to:

Office of the Board of Examiners for Nursing
Department of Public Health and Addiction Services
150 Washington Street
Hartford, CT 06106

5. That any violation of the terms of this Consent Order without prior written approval of the Board shall constitute grounds for the Department to seek to revoke respondent's nursing license following notice and an opportunity to be heard.
6. That any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take action at a later time. The Board shall not be required to grant future extensions of time or grace periods.
7. That legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Medical Quality Assurance of the Department.
8. That this Consent Order is effective on the date it is signed by the last signatory hereto.
9. That respondent understands this Consent Order is a matter of public record.
10. That the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which (1) his compliance with this same order is at issue, or (2) his compliance with §20-99(b) of the General Statutes of Connecticut, as

amended, is at issue.

11. That, in the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a registered nurse, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall be considered by the Board and shall be given due weight by the Board in determining whether his conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.
12. That, in the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
13. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or

in any forum. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that he may have under the laws of the State of Connecticut or of the United States.

14. That respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board and/or to any of its representatives including one or more members of the Board. The Department and respondent understand that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.
15. That respondent has consulted with an attorney prior to signing this document.

I, Vincent A. Marino, R.N., have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

x Vincent A. Marino
Vincent A. Marino, R.N.

Subscribed and sworn to before me this 14th day of March 1995.

J. Mac Buehler
Notary Public or person authorized
by law to administer an oath or
affirmation Commissioner/Superior Court

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health and Addiction Services on the 17th day of March 1995, it is hereby accepted.

Stanley K. Peck
Stanley K. Peck, Director
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 22 day of March 1995, it is hereby ordered and accepted.

BY: [Signature]
Connecticut Board of Examiners for Nursing

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