

Susan McKenney
91 East Pearl Street, Apt. A-2
New Haven, CT 06513

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

State of Connecticut
Department of Public Health

vs.

Susan McKenney, LPN,
Nurse License No. 006512
Respondent.

CASE PETITION NO. 940711-11-029

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health (hereinafter the "Department") with a Statement of Charges dated September 27, 1995 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Susan McKenney (hereinafter the "Respondent") which would subject the Respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing dated October 4, 1995, scheduling a hearing for January 17, 1996 (Department Exhibit 1). The hearing took place on January 17, 1996, in Room 2-A, Legislative Office Building, Capitol Avenue, 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 the Board's specialized professional knowledge in evaluating the evidence.

FACTS

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

1. Susan McKenney, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 006512 on November 22, 1961. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-B)
2. Pursuant to the General Statutes of Connecticut, §4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all lawful requirements for the retention of her license. (Department Exhibit 1-A)
3. The Respondent was given due notice of the hearing and charges against her. Department Exhibit 1 indicates that the Statement of Charges and Notice of Hearing were served on the Respondent by Deputy Sheriff.
4. On or about May 19, 1994, the Respondent was employed as a licensed practical nurse at West Wynde Nursing Center, West Haven, Connecticut. (Department Exhibit 1-B)
5. On May 19, 1994, while working as a registered nurse at West Wynde Nursing Center on the 11 PM to 7 AM shift the Respondent provided nursing care to patient C. J. The patient had a history of being verbally abusive and threatening. (Department Exhibit 1-D8)
6. While providing nursing care to patient C. J., the Respondent struck the patient in the face with her hand. (Department Exhibit 1-B, 1-C5, 1-E)
7. The Respondent's employment at West Wynde Nursing Center was terminated effective June 1994. (Department Exhibit 1-E)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Susan McKenney held a valid Licensed Practical Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided legal notice as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17. The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

PARAGRAPH 3 of the Statement of Charges alleges that on or about May 19, 1994, while working as a licensed practical nurse at West Wynde Nursing Center, West Haven, Connecticut, the Respondent hit and/or slapped a nursing home resident.

The Respondent was not present at the hearing to answer this charge, therefore the Board deems this charge admitted pursuant to §19-2a-18 of the Regulations of Connecticut State Agencies.

The General Statutes of Connecticut §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 performing usual nursing functions...."

Based on its findings, the Board concludes that the Respondent's conduct as alleged in Paragraph 3 of the

Statement of Charges is proven and that said conduct constitutes a violation the General Statutes of Connecticut §20-99(b)(2). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

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. That for Paragraph 3 of the Statement of Charges, the Respondent's licensed practical nurse license, No. 006512, is reprimanded.
2. This Memorandum of Decision becomes effective on the date it is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs the Respondent, Susan McKenney and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 19th day of June 1996.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, appearing to read "Nancy I. Befund", is written over a horizontal line.