

Gail Frederick
14 Sherman Avenue, Apt. 1
Greenwich, CT 06830

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

State of Connecticut
Department of Public Health

vs.

Gail Frederick, LPN
Licensed Practical Nurse License No. 013403
respondent.

CASE PETITION NO. 980603-011-016

MEMORANDUM OF DECISION

Procedural Background

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 and Motion for Summary Suspension dated July 10, 1998 (Dept. Exh. 2). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Gail Frederick (hereinafter "respondent") which would subject respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of respondent presented a clear and immediate danger to public health and safety. On July 15, 1998, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Licensed Practical Nurse license of respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 2.

The Board issued a Notice of Hearing dated July 15, 1998 scheduling a hearing for August 19, 1998. Dept. Exh. 2.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 2 indicates that the Motion for Summary Suspension, Summary Suspension Order, Notice of Hearing, and the Statement of Charges were served on respondent by Deputy Sheriff on July 20, 1998.

The hearing took place on August 19, 1998, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent did not file an Answer to the Statement of Charges but did submit a letter indicating she would be present at the hearing. Board Exh. 1.

Respondent was present during the hearing but was not represented by counsel. Tr., August 19, 1998, p. 6.

The hearing in this matter was held in Executive Session and the transcript is sealed.

During the hearing, the Department submitted a Motion to Deem Allegations Admitted (Dept. Exh. 1).

The Board granted the Department's Motion. Tr., August 19, 1998, p. 7.

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, the law, 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. Respondent was issued Licensed Practical Nurse license number 013403 on November 1, 1990. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 2-A.
2. For several years, respondent has been engaged in treatment at the Psychiatric Department of Stamford Hospital, Stamford, Connecticut. Since July 1997, respondent has been under the psychiatric care of Peter Kroetsch, MD, at Stamford Hospital. Dept. Exh. 2-C, F.
3. Respondent has been diagnosed as suffering from major depression; addiction to and/or abuse of prescription drugs including antidepressants, lithium carbonate, and anxiolytics; and personality disorder. Respondent's addiction leads her to abuse her own medications which has led to episodes of drug toxicity necessitating hospitalization. Respondent has also displayed drug related alterations in mental status including confusion and memory impairment. Dept. Exhs. 2-F, and 4; Tr., August 19, 1998, pp. 14-20.
4. Dr. Kroetsch is of the opinion respondent cannot practice nursing with reasonable skill and safety and that the practice of nursing by respondent would represent a danger to herself and the public. Dept. Exh. 2-F; Tr., August 19, 1998, p. 20.
5. Respondent has not worked as a nurse for approximately five years. Dept. Exh. 2-C; Tr., August 19, 1998, p. 31.

Conclusions of Law and Discussion

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

Respondent 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 provided sufficient notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided 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).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The Statement of Charges alleges that while licensed as a licensed practical nurse in the State of Connecticut, respondent:

- a. suffers from mental depression; and/or
- b. has abused and/or excessively used prescribed medications, causing toxicity complications and/or changes in her mental status.

It is further alleged that respondent's abuse of medications does and/or may effect her practice as a licensed practical nurse.

Respondent did not submit an answer to the Statement of Charges. Pursuant to §19-9-20 of the Regulations of Connecticut State Agencies, the Board deems the charges in the Statement of Charges to be admitted.

The General Statutes of Connecticut §20-99 provides in relevant part:

- (a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17 . . . (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following: . . . (4) emotional disorder or mental illness . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals

Based on its findings, the Board concludes that respondent's conduct as alleged in the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes violations of the General Statutes of Connecticut §§20-99(b)(4) and (5). Therefore, respondent's Licensed Practical Nurse license 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. For the Statement of Charges dated July 10, 1998, respondent's Licensed Practical Nurse license, No. 013403, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.
2. At any future time should respondent request reinstatement of her Licensed Practical Nurse license, she shall have the burden of presenting relevant evidence to the satisfaction of the Board that she is able to practice nursing with reasonable skill and safety. Said evidence shall include, but will not be limited to, a comprehensive psychiatric/psychological evaluation which includes an opinion of respondent's ability to return to the practice of nursing.

The Board of Examiners for Nursing hereby informs respondent, Gail Frederick, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Wethersfield, Connecticut this 21st day of April 1999.

BOARD OF EXAMINERS FOR NURSING

By Maryellen O'Harley

CERTIFICATION

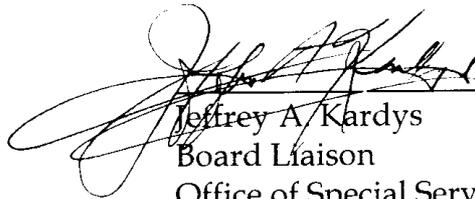
I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 22nd day of April 1999, by certified mail, return receipt requested, and first class mail to:

Gail Frederick
14 Sherman Avenue, Apt. 1
Greenwich, CT 06830

Certified Mail RRR #P505283631

and by inter-departmental mail to:

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



Jeffrey A. Kardys
Board Liaison
Office of Special Services - Adjudications