

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health

Petition No. 2000-1016-011-040

vs.

Joan Gorman, LPN, Lic. No. 015108
Respondent

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 dated April 11, 2001 Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Joan Gorman (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 respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On May 2, 2001, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that respondent's licensed practical nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing May 2, 2001, scheduling a hearing for May 16, 2001. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered by State Marshal to respondent on May 7, 2001.

The hearing took place on May 16, 2001 at Wethersfield Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut. Respondent was present during the hearing but was not represented by counsel. Transcript, May 16, 2001, p. 3.

Respondent submitted an oral Answer to the Statement of Charges. Transcript, May 16, 2001, pp. 6-9.

Following the close of the hearing the Department filed a Motion to Amend the Statement of Charges. The Department's motion was granted by the Board on June 6, 2001. The Statement of Charges was amended by changing "noon" to "midnight" in Paragraph 3b and by withdrawing Paragraph 3c.

On June 6, 2001, the Board granted respondent's request to vacate the Summary Suspension of her licensed practical nurse license which was ordered on May 2, 2001.

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 015108. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh.1; Transcript, May 16, 2001, p. 6.
2. Respondent worked as a nurse at Crescent Manor during the period of March 1, 2000 through July 13, 2000. Dept. Exh. 2. Transcript, May 16, 2001, p. 6
3. On March 28, 2000, respondent failed to inform a resident C.C.'s physician that resident C.C. had a blood sugar of 437 when the physician's order required notification of any blood sugar over 400. Dept. Exh. 2, pp. 1-3, F, G; Dept. Exh. 3; Transcript, May 16, 2001, pp. 7, 16-17, 30-35.
4. On March 28, 2000, respondent administered nine units of insulin to resident C.C. at twelve midnight for a blood sugar of 437, in excess of the physician's orders, and failed to monitor resident C.C.'s response. Dept. Exh. 2, pp. 1-3, F, G; Dept. Exh. 3; Transcript, May 16, 2001, pp. 7, 17, 30-35.
5. On July 13, 2000, respondent failed to chart the administration of a second dose of Ativan to patient B.G. Dept. Exh. 2, pp. 1-2, A-D; Dept. Exh. 3; Transcript, May 16, 2001, pp. 7-8, 23-25.

6. On July 13, 2000, respondent injected normal saline into a Ativan vial to substitute for patient B.G.'s second dose, so as to demonstrate a .75cc waste when witnessed by her supervisor. Dept. Exh. 2, pp. 1-3, A-D; Dept. Exh. 3; Transcript, May 16, 2001, pp. 23-25.

Conclusions of Law and Discussion

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

Joan Gorman 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 legal notice as mandated by *Conn. Gen. Stat.* §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a 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 *Conn. Gen. Stat.* §4-182(c).

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

PARAGRAPH 2 of the Statement of Charges, as amended, alleges that respondent worked as a nurse at Crescent Manor during the period of March 1, 2000 through July 13, 2000.

PARAGRAPH 3 of the Statement of Charges, as amended, alleges that while in the course of her nursing duties respondent deviated from acceptable nursing practice in one or more of the following ways:

- a. On March 28, 2000, respondent failed to inform a resident C.C.'s physician that the resident had a blood sugar of 437 when the physician's order required notification of any blood sugar over 400.
- b. On March 28, 2000, respondent administered nine units of insulin to resident at twelve midnight for a blood sugar of 437, in excess of the physician's orders, and failed to monitor C.C.'s response.
- c. Withdrawn
- d. On July 13, 2000, respondent failed to chart the administration of a second dose of Ativan to patient B.G.
- e. On July 13, 2000, respondent injected normal saline into the Ativan vial to substitute for patient B.G.'s second dose, so as to demonstrate a .75cc waste when witnessed by her supervisor.

Respondent admits Paragraph 2 and Paragraphs 3d and 3e. Respondent denies Paragraphs 3a and 3b. Transcript, May 16, 2001, pp. 6-9,

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 . . . (2) illegal conduct, incompetence or negligence in performing usual nursing functions

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraphs 3a, 3b, 3d and 3e of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes a violation of *Conn. Gen. Stat.* §20-99(b)(2). Therefore, respondent's licensed practical nurse license is subject to disciplinary action pursuant to *Conn. Gen. Stat.* §19a-17.

Order

Pursuant to its authority under *Conn. Gen. Stat.* §19a-17 and §20-99, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraphs 3a, 3b, 3d and 3e of the Statement of Charges, as amended, respondent's licensed practical nurse license, number 015108, is placed on probation for a period of one (1) year.
2. If any of the following conditions of probation are not met, respondent's licensed practical 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 or change of employment within the nursing profession.

- B. Respondent 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. If employed as a nurse, respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period.
- D. The employer reports cited in Paragraph C above shall include documentation of respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph I below.
- E. Should respondent's employment as a nurse be involuntarily terminated, respondent and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
- F. If respondent pursues further training in any subject area that is regulated by the Department, respondent shall provide a copy of this Memorandum of Decision to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department in writing as to 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 I below.
- 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 address.
- I. All correspondence and reports are to be addressed to:

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

3. 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 respondent has violated this Order will subject respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of her 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 respondent'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).

4. This Memorandum of Decision becomes effective, and the one (1) year probation of respondent's licensed practical nurse license shall commence, on August 15, 2001.

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

Dated at Hartford, Connecticut this 15th day of August, 2001.

BOARD OF EXAMINERS FOR NURSING

By  _____



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

August 15, 2002

Joan Gorman, LPN
42 Brentwood Avenue
Waterbury, CT 06705

Re: Memorandum of Decision
Petition No. 2000-1016-011-040
License No. 015108



Dear Ms. Gorman:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective August 15, 2002.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process.

Very truly yours,

Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: J. Filippone
J. Wojick



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