

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.

~~Donna~~ Cunningham, L.P.N., License No. ~~030189~~

109 Waterville Street

Waterbury, CT 06710

CASE PETITION NO. 880901-11-008

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 December 29, 1988.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing dated December 30, 1988. The hearing took place on January 25, 1989 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she 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. Donna Cunningham, hereinafter referred to as the Respondent, was issued Connecticut Licensed Practical Nurse license number 017599 on October 30, 1978.
2. The Respondent was aware of the time and location of the hearing. Department of Health Services' Exhibit 3 indicates that notice of the location and time of this hearing were delivered by certified mail to the Respondent's address of record. The Respondent was not present or represented by counsel at the hearing.
3. The Respondent, while working as a licensed practical nurse at Whitewood Rehabilitation Center, Waterbury, Connecticut, in August, 1988, failed to administer ordered medications.
4. The Respondent, while working as a licensed practical nurse at Whitewood Rehabilitation Center, Waterbury, Connecticut, in August, 1988, falsified medication administration records.
5. The Respondent, while working as a licensed practical nurse at Whitewood Rehabilitation Center, Waterbury, Connecticut, in August, 1988, diverted the controlled substance Phenobarbital.
6. The Respondent, while working as a licensed practical nurse at Whitewood Rehabilitation Center, in Waterbury, Connecticut in August, 1988, failed to maintain proper control over controlled substances.
7. The Respondent, while working as a licensed practical nurse at Whitewood Rehabilitation Center, Waterbury, Connecticut, in August, 1988, failed to perform ordered treatments.

8. The Respondent, while working as a licensed practical nurse at Whitewood Rehabilitation Center, Waterbury, Connecticut, in August, 1988, failed to adequately, properly and completely make documentations in hospital or medical records.

DISCUSSION AND CONCLUSIONS

The First Count, Subsection 3a, alleges that while employed as a licensed practical nurse at Whitewood Rehabilitation Center during August, 1988, the Respondent failed to administer ordered medications. The Respondent was not present to admit or deny this charge.

The above referenced conduct is a violation of Connecticut General Statutes Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

The Board has determined that in August of 1988, the Respondent failed to administer ordered medications. Department Exhibit 4 documents that sporadic complaints were received from alert patients of Whitewood Rehabilitation Center indicating that patients did not receive certain ordered medications while the Respondent was in charge of their care. Monitoring of medication counts on August 1, 4, and 6, 1988 demonstrated that a minimum of seven medication doses were still present in the medication cart after they were to have been administered (Department Exhibit 1, Section 4a, p.7). Thus, the Board concludes that the Respondent has violated Section 20-99 (b)(2) as indicated in the First Count, Subsection 3a.

The First Count, Subsection 3b, alleges while employed at Whitewood Rehabilitation Center, during August, 1988, the Respondent falsified medication administration records. The Respondent was not present to admit or deny this charge.

The above referenced conduct is a violation of the Connecticut General Statutes Section 20-99(b)(7) which includes "... (7) wilful falsification of entries in any hospital, patient or other record pertaining to drugs, the results of which are detrimental to the health of a patient...."

The Board has determined that in August of 1988 the Respondent willfully falsified medication records. Department Exhibit 4 documents that a few patient's medications were monitored before, during and after the Respondent's shift. Medications included Tegretol, Phenobarbital and Navane. Monitoring of medication counts on August 1, 4, and 6, 1988 demonstrated that a minimum of seven medication doses were still present in medication cart after they had been recorded on the sign out sheet as given (Department Exhibit 4, Section 1, p.1 and Exhibit 4, Section 4a, p.7). Thus, the Board concludes that the Respondent has violated Section 20-99(b)(7) as indicated in the First Count, Subsection 3b.

The First Count, Subsection 3c, alleges while employed at Whitewood Rehabilitation Center, during August, 1988, the Respondent diverted the controlled substance Phenobarbital. The Respondent was not present to admit or deny this charge.

The above referenced conduct is a violation of the Connecticut General Statutes Section 20-99(b)(2) which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

The Board has determined that in August of 1988 the Respondent diverted the controlled substance Phenobarbital. Department Exhibit 4 documents that monitoring of medication counts on August 1, 4, and 6, 1988 demonstrated that the Phenobarbital count was short and the Respondent had signed the narcotic sheet for the medication, yet the patient did not receive the Phenobarbital (Department Exhibit 4, Section 4a, p.7). Thus, the Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(2), as specified in the First Count, Subsection 3c.

The First Count, Subsection 3d alleges while employed at Whitewood Rehabilitation Center, during August, 1988 the Respondent failed to maintain proper control over controlled substances. The Respondent was not present to admit or deny this charge.

The above referenced conduct is a violation of the Connecticut General Statutes Section 20-99(b)(2) which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

The Board has determined that in August of 1988 the Respondent failed to maintain proper control over controlled substances. Department Exhibit 4 documents that sporadic complaints were received from alert patients of Whitewood Rehabilitation Center indicating that patients did not receive certain ordered medications while the Respondent was in charge of the cart. A few patient's medications were monitored before, during and after the Respondent's shift. Medications included Tegretol, Phenobarbital and Navane. Monitoring of medication counts on August 1, 4, and 6, 1988 demonstrated that a minimum of seven medication doses were still present in the medication cart after they had been recorded on the

sign out sheet as given (Department Exhibit 4, Section 1, p.1 and Department Exhibit 4, Section 4a, p.7). Thus, the Board concludes that the Respondent has violated Connecticut General Statutes Section 20-99(b)(2), as specified in the First Count, Subsection 3d.

The First Count, Subsection 3e alleges while employed at Whitewood Rehabilitation Center, during August, 1988 the Respondent failed to perform ordered treatments. The Respondent was not present to admit or deny this charge.

The above referenced conduct is a violation of Connecticut General Statutes 20-99(b)(2), which includes "...illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

The Board has determined that in August of 1988, the Respondent failed to perform ordered treatments. Department Exhibit 4 documents that sterile tracheostomy care for a patient had been ordered every shift. On August 1, 4, and 6, 1988, the Respondent was monitored: the neck dressing was marked at the beginning of the shift and the same dressing was found on the patient at the end of the shift (Department Exhibit 4, p.2). Thus, the Board concludes that the Respondent has violated Connecticut General Statutes, Section 20-99(b)(2) as specified in the First Count, Subsection 3e.

The First Count, Subsection 3f, alleges while employed at Whitewood Rehabilitation Center, during August, 1988 the Respondent failed to adequately, properly or completely make documentations in hospital or medical records. The Respondent was not present to admit or deny this charge.

The above referenced conduct is a violation of Connecticut General Statutes 20-99(b)(2) "...illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

The Board has determined that the Respondent failed to adequately, properly or completely make documentations in hospital or medical records. Department Exhibit 4 documents that sporadic complaints were received from alert patients of Whitewood Rehabilitation Center indicating that patients did not receive certain ordered medications while the Respondent was in charge of the cart. A few patient's medications were monitored before, during and after the Respondent's shift. Medications included Tegretol, Phenobarbital and Navane. Monitoring of medication counts on August 1, 4, and 6, 1988 demonstrated that a minimum of seven medication doses were still present in medication cart after they had been recorded on the sign out sheet as given (Department Exhibit 4, Section 1, p.1 and Department Exhibit 4, Section 4a, p.7). Thus, the Board concludes that the Respondent has violated Connecticut General Statutes, Section 20-99(b)(2) as specified in the First Count, Subsection 3f.

ORDER

It is the unanimous decision of those members of the Board of Examiners for Nursing who were present and voting that:

1. The license of the Respondent be ~~suspended~~ for a minimum of ~~three (3) years, followed by six (6) months probation to be~~ determined as follows:

- A. as to the First Count, Subsection 3a, (3) years suspension;
six (6) months probation;
- B. as to the First Count, Subsection 3b, (3) years suspension;
six (6) months probation;

- C. as to the First Count, Subsection 3c, (3) years suspension;
six (6) months probation;
- D. as to the First Count, Subsection 3d, (3) years suspension;
six (6) months probation;
- E. as to the First Count, Subsection 3e, (3) years suspension;
six (6) months probation;
- F. as to the First Count, Subsection 3f, (3) years suspension;
six (6) months probation;
- G. the three (3) year suspension periods, followed by the six
(6) months probationary periods, referenced in
(A), (B), (C), (D), (E) and (F), above, are to run concurrently
for an effective suspension period of three (3) years
followed by the six (6) month probationary period.

2. If any of the following conditions of probation are not met, the Respondent's license may be immediately revoked.

- A. A Board approved refresher course is to be successfully completed during the six (6) months probationary term.
- B. During the refresher course the Respondent's license may be used solely for the purpose of participating in said refresher course. Such a restriction will be removed upon receipt by the Board of documentation of satisfactory completion of the refresher course.

3. The date of this period of suspension shall commence on August 15, 1989.

The Board of Examiners for Nursing hereby informs the Respondent and the Department of Health Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 22nd day of June, 19 84

BOARD OF EXAMINERS FOR NURSING

By Loretta M. Murphy RN

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