

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

Department of Public Health

Petition No. 2002-1226-011-053

vs.

Terentia McIntosh, LPN, Lic. No. 017966
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 May 6, 2003. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Terentia McIntosh (hereinafter "respondent") which would subject respondent's licensed practical nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

The Board issued a Notice of Hearing dated May 9, 2003, scheduling a hearing for August 20, 2003. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Notice of Hearing and Statement of Charges were delivered by certified mail to respondent. Dept. Exh. 1.

The hearing took place on August 20, 2003, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, p. 2.

Respondent did not submit an Answer to the Statement of Charges, and the Board granted the Department's Motion to Deem Allegations Admitted. Transcript, pp. 6-7.

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 is and, at all times referenced in the Charges, was licensed as a licensed practical nurse in Connecticut, holding licensed practical nurse license number 017966.
2. At all relevant times, respondent was employed as a licensed practical nurse at Mediplex of Stamford in Stamford, Connecticut.
3. On or about February 24, 2002, while working as a licensed practical nurse at Mediplex of Stamford, respondent provided care to a male patient who had been diagnosed with diabetes and chronic renal failure.
4. Between about 5:10 p.m. and 5:55 p.m. on February 24, 2003, the patient's daughter asked respondent on three occasions to place a call to transport the patient to an emergency room. After being notified of the patient's change in condition, respondent failed to call "911," failed to notify her supervisor or the attending physician of the patient's change in condition, and/or failed to initiate adequate assessment of the patient. At about 5:55 p.m., the patient's daughter called "911," and the patient was transported to a hospital emergency room where he was diagnosed with hypoglycemia.

Conclusions of Law and Discussion

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

Terentia McIntosh 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 his 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. Respondent did not submit an Answer to the Statement of Charges. Pursuant to § 19a-9-20 of the Regulations of Connecticut State Agencies the Board deems the allegations 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 ... (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 1, 2, and 3 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§ 20-99(b)(2) and 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. The Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500.00).
2. Respondent's licensed practical nurse license number 017966, is placed on probation for a period of two (2) years.
3. If any of the following conditions of probation are not met, respondent's licensed practical nurse license may be subject to further disciplinary action pursuant to § 19a-17 of the General Statutes of Connecticut.
 - A. The \$500.00 civil penalty is due on or before June 15, 2004.
 - B. Payment of the civil penalty shall be made by certified check payable to "Treasurer, State of Connecticut" and shall be sent to:

**DEPARTMENT OF PUBLIC HEALTH
BOARD OF EXAMINERS FOR NURSING
DIVISION OF HEALTH SYSTEMS REGULATION
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford CT 06134-0308**

- C. During the first six months of respondent's probation, respondent shall complete eight continuing education hours in diabetes management. Within thirty days of completing such courses, respondent shall provide proof to the satisfaction of the Board and the Department of her successful completion of such courses.
- D. During the period of probation the Board shall pre-approve respondent's employment and/or change of employment within the nursing profession.
- E. 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.
- F. 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. Employer reports shall commence with the report due on the first business day after the first full month following issuance of this Order.
- G. The employer reports cited in Paragraph F 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 L below.
- H. 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.
- I. 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 L below.
- J. The Board must be informed in writing prior to any change of employment.
- K. The Board must be informed in writing prior to any change of address.

L. All correspondence and reports are to be addressed to:

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

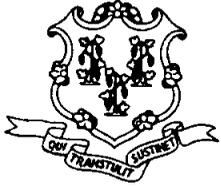
4. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject respondent to sanctions 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 shall not be a waiver or preclude the Board's right to take subsequent action. The Board 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 Office of Practitioner Licensing and Certification of the Department of Public Health or the Board).
5. This Memorandum of Decision becomes effective, and the two (2) year probation of licensed practical nurse license no. 017966 shall commence, on February 1, 2004.

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

Dated at Hartford, Connecticut this 21st day of January, 2004.

BOARD OF EXAMINERS FOR NURSING

By 



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

March 15, 2006

Terentia McIntosh, LPN
2258 Crest Knoll Circle
Decatur, GA 30032

Re: Memorandum of Decision
Petition No. 2002-1226-011-053
License No. 017966

Dear Ms. McIntosh:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective February 1, 2006.

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, RN, Nurse Consultant
Practitioner Licensing and Investigations Section

cc: J. Filippone
J. Wojick



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