

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF HEALTHCARE SYSTEMS

In Re: Melissa Giambra, LPN

Petition No. 2002-0213-011-006

CONSENT ORDER

WHEREAS, Melissa Giambra (hereinafter "respondent") of Enfield, Connecticut has been issued license number 018085 to practice as a licensed practical nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits and acknowledges that:

1. In June 2000 while working as a nurse for Allied Rehabilitation Centers, a private provider agency under contract to the Department of Mental Retardation (DMR) to provide vocational and residential care for clients of DMR, she exceeded the scope of practice for an L.P.N. in that she:
  - a. performed an assessment for client M.S. that only a ~~licensed practical nurse~~ <sup>registered nurse</sup> is authorized to perform, and,
  - b. ordered staff members at the group home in which M.S. lived to withhold a medication, Pericolace, without a physician's order to do so.
2. Further, respondent failed to:
  - a. visit M.S. to collect data on his condition despite concerns raised by the staff that M.S.'s condition was deteriorating;
  - b. review the client's medication order which showed that he was receiving both Pericolace and Imodium; and,

- c. ensure that the client's blood pressure was monitored as ordered by his physician.
3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, 20-99(b)(2).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations at a hearing in front of the Board of Examiners for Nursing (hereinafter "the Board").

Respondent further agrees that this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(b) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-99(a) of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Within six months of the effective date of this Consent Order, respondent shall pay a civil penalty of five hundred dollars (\$500) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
3. Respondent shall comply with all federal and state statutes and regulations applicable to her profession.
4. Respondent's license number 018085 to practice as a licensed practical nurse in the State of Connecticut is hereby placed on probation for one (1) year, subject to the following terms and conditions:

- A. Respondent shall provide a copy of this Consent Order to all current and future employers for the duration of her probation.
- B. Respondent shall not be employed as a nurse for a personnel provider service, assisted living services agency, homemaker - home health aide agency, or home health care agency, and shall not be self-employed as a nurse for the period of her probation.  
Respondent may work in an institutional setting with supervision by an R.N.
- C. Respondent shall be responsible for the provision of monthly written reports directly to the Board and the Department from her supervisor for the entire period of the probation.  
Respondent shall provide a copy of this Consent Order to any and all employers if employed as a nurse during the probationary period. The Board and the Department shall be notified in writing by any employer(s) within fifteen (15) days of the commencement of employment as to the receipt of a copy of this Consent Order.  
Employer reports shall include documentation of respondent's ability to safely and competently practice nursing, and shall be issued to the Board and the Department at the address cited in paragraph 4H below.
- D. Respondent shall notify the Board and the Department in writing of any change of employment within fifteen (15) days of such change.
- E. Respondent shall notify the Board and the Department of any change in her home or business address within fifteen (15) days of such change.
- F. If respondent pursues further training or is engaged at the time of the implementation of the Consent Order in an educational program in any subject area that is regulated by the Department, respondent shall provide a copy of this Consent Order to the educational institution or, if not an institution, to respondent's instructor. Such institution or

instructor shall notify the Department of receipt of the Consent Order within fifteen (15) days of receipt.

- G. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
- H. All correspondence and reports shall be addressed to:

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

- 5. Any violation of the terms of this Consent Order without prior written approval by the Board shall constitute grounds for the Department to seek revocation of respondent's nursing license following notice and an opportunity to be heard.
- 6. 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 action at a later time. The Board shall not be required to grant future extensions of time or grace periods.
- 7. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Office of Practitioner Licensing and Certification of the Bureau of Healthcare Systems of the Department.
- 8. This Consent Order is effective on the first day of the month immediately following the month in which this Consent Order is approved and accepted by the Board.
- 9. Respondent understands this Consent Order is a matter of public record.
- 10. Respondent understands this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Board in which (1) her compliance with this

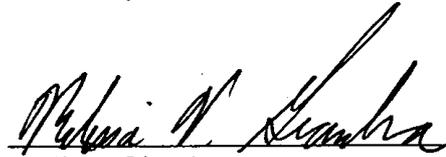
same Consent Order is at issue, or (2) her compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue.

11. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a licensed practical nurse, upon request by the Department, with notice to the Board, for a period not to exceed forty-five (45) days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Board and shall be given due weight by the Board in determining whether respondent's conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.
12. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Board.
13. In the event respondent is not employed as a licensed practical nurse for periods of thirty (30) consecutive days or longer, or is employed as a licensed practical nurse less than sixteen (16) hours per week, or is employed outside of the State of Connecticut, respondent shall notify the

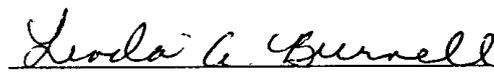
Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order.

14. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that respondent may have under the laws of the State of Connecticut or of the United States.
15. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. The Department and respondent understand that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.
16. Respondent has had the opportunity to consult with an attorney prior to signing this document.

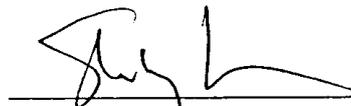
I, Melissa Giambra, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
\_\_\_\_\_  
Melissa Giambra

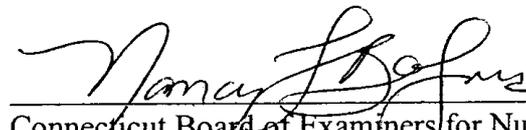
Subscribed and sworn to before me this 3<sup>rd</sup> day of ~~January~~ March 2003

  
\_\_\_\_\_  
Notary Public or person authorized  
by law to administer an oath or affirmation  
My Commission Exp. July 31, 2004

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 10<sup>th</sup> day of January 2003, it is hereby accepted.

  
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Stanley K. Peck, Director, Legal Office  
Bureau of Healthcare Systems

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 16 day of April 2003, it is hereby ordered and accepted.

BY:   
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Connecticut Board of Examiners for Nursing