

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

1987 0701 011 011

IN RE: Cynthia Baggerio, L.P.N.
a/k/a Cynthia Brown, L.P.N.
301 Seventh Street Apt.#4
Rockford, Illinois 61104

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing, (hereafter the "Board"), was presented by the Department of Health Services with a Statement of Charges dated September 28, 1987.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing dated September 29, 1987. The hearing took place on October 28, 1987 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 at the above hearing, the Board made the following findings of fact:

1. Cynthia Baggerio a/k/a Cynthia Brown, respondent, was not at all pertinent times licensed to practice nursing as a licensed practical nurse. During her employment at the Walnut Hill Convalescent Home in New Britain, Connecticut, the respondent worked from the beginning of 1979 until September 24, 1980, at the aforementioned facility without a Connecticut nursing license, and obtained a Connecticut nursing license during her employment there. The respondent while working as a licensed practical nurse at the Lexington Convalescent Home, from May 1, 1986, until September 12, 1986, worked without a nursing license and did not renew said license until January 2, 1987. At all other pertinent times the respondent was licensed as a licensed practical nurse with registration number 018838.

2. Pursuant to Connecticut General Statutes, Section 4-182(c), the respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license.

3. The Department of Health Services was unable to contact the respondent to inform her of the time and location of this hearing, however, the Department of Health Services did use all reasonable means to contact the respondent. Exhibits 3 and 4 indicated that notice of location and time of this hearing were reasonably attempted for presentation to the respondent.

4. The respondent, while working as a licensed practical nurse at the Walnut Hill Convalescent Home in New Britain, Connecticut in September 1986, and subsequent thereto, abused alcohol.

5. The respondent, while working as a practical nurse at the Walnut Hill Convalescent Home in New Britain, Connecticut, practiced nursing without a license from the beginning of her employment 1979, until she was issued a Connecticut practical nurse license on September 24, 1980.

6. The respondent, while working as a practical nurse at the Lexington Convalescent Home, in New Britain, Connecticut, practiced nursing without a license from the period in which her license had lapsed, May 1, 1986, until the end of her employment at the aforementioned facility on September 12, 1986, and did not renew said license until January 2, 1987.

7. The respondent, while working as a licensed practical nurse at the Lexington Convalescent Home in New Britain, Connecticut, in March, 1985 and subsequent thereto, abused sleeping pills.

8. The respondent, while working as a licensed practical nurse at the Lexington Convalescent Home in New Britain, Connecticut in March, 1985 and subsequent thereto, abused and utilized drugs, while on duty.

9. The respondent, while working as a licensed practical nurse at the Lexington Convalescent Home in New Britain, Connecticut in March, 1985 and subsequent thereto, failed to change a gastrostomy site dressing and charted the above cited gastrostomy dressing as having been changed.

10. The respondent, while working as a licensed practical nurse

at the Lexington Convalescent Home in New Britain, Connecticut in March, 1985 and subsequent thereto, removed the property of others from the facility.

11. The respondent, while working as a licensed practical nurse at the Lexington Convalescent Home in New Britain, Connecticut in March, 1985 and subsequent thereto, failed to make appropriate documentation in medical or hospital records.

12. The respondent, while working as a licensed practical nurse at the Lexington Convalescent Home in New Britain, Connecticut in March, 1985 and subsequent thereto, permitted a nurse's aide to administer medication.

13. The respondent, while working as a licensed practical nurse at the Hughes Convalescent Home in West Hartford, Connecticut in March, 1987 and subsequent thereto, diverted and abused the controlled substances Darvocet, Tylenol with Codeine, Nembutal, and Restoril.

14. The respondent, while working as a licensed practical nurse at the Hughes Convalescent Home in West Hartford, Connecticut in March, 1987 and subsequent thereto, failed to properly or accurately make documentations in the medical or hospital records.

15. The respondent, while working as a licensed practical nurse at the Hughes Convalescent Home in West Hartford, Connecticut in March, 1987 and subsequent thereto, falsified one or more Controlled Substance Receipt Records and used fictitious names or names other than her own in hospital, or medical records.

DISCUSSION AND CONCLUSIONS

The First Count Subsection 3a alleged that while working as a licensed practical nurse at the Walnut Hill Convalescent Home, the respondent abused or used to excess, alcohol. The respondent was not present at the hearing to respond to this charge.

The above described conduct is a violation of the Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) includes: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

The Board has determined that during 1979 and subsequent thereto, while working as a licensed practical nurse at the Walnut Convalescent Home in New Britain, Connecticut, the respondent abused said alcohol. This is verified in Department exhibit 5, in the respondent's sworn statement in which she admitted to alcohol abuse. The Board therefore concludes that the respondent has violated Section 20-99(b)(2) and (5) as specified in the First Count, Subsection 3a.

The First Count Subsection 3b alleged that while working as a practical nurse at the Walnut Hill Convalescent Home and thereafter at the Lexington Convalescent Home, the respondent practiced nursing without a license. The respondent was not present at the hearing to respond to this charge.

The above described conduct is a violation of the Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) includes: "(6) fraud or material deception in the course

of professional services or activities...."

The Board has determined that during 1979 until September 24, 1980, while working as a practical nurse at the Walnut Convalescent Home in New Britain, Connecticut, the respondent practiced nursing without a license. Department exhibit 1 is a document that certifies that the respondent had not received a Connecticut nursing license, until September 24, 1980. This was after her initial employment with the Walnut Hill Convalescent Home, which can be seen in the respondent's sworn statement, Department exhibit 5, in which the respondent stated that she had been working at the aforementioned facility since the beginning of 1979. Department exhibit 1 certifies that the respondent's license expired on April 30, 1986 and was reinstated on January 2, 1987. During this period the respondent was working as a practical nurse, as Department exhibit 6 shows, at the Lexington Convalescent Home for two terms of employment. The Board therefore concludes that the respondent has violated Section 20-99(b)(6) as specified in the First Count, Subsection 3b.

The Second Count Subsection 3a alleged that while working as a licensed practical nurse at the Lexington Convalescent Home, the respondent abused or used to excess, sleeping pills. The respondent was not present at the hearing to respond to this charge.

The above described conduct is a violation of the Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) includes: " (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

The Board has determined that during March 1985 and subsequent

thereto, while working as a licensed practical nurse at the Lexington Convalescent Home in New Britain, Connecticut, the respondent abused sleeping pills. This is verified in Department exhibit 5 in the respondent's sworn statement, in which the respondent admitted to having a substance abuse problem and using sleeping pills. The Board therefore concludes that the respondent has violated Section 20-99(b)(2) and (5) as specified in the Second Count, Subsection 3a.

The Second Count Subsection 3b alleged that while working as a licensed practical nurse at the Lexington Convalescent Home, the respondent abused or used drugs, alcohol or other chemicals while on duty. The respondent was not present at the hearing to respond to this charge.

The above described conduct is a violation of the Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) includes: " (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

The Board has determined that during March 1985 and subsequent thereto, while working as a licensed practical nurse at the Lexington Convalescent Home in New Britain, Connecticut, the respondent abused said drugs and alcohol while on duty. This is verified in Department exhibit 5, in which the respondent admitted that she had diverted controlled substances while working at the Lexington Convalescent Home, and Department exhibit 6 Sections A(2a,b), and B(4,5), which show the respondent's inability to function appropriately at various times at the aforementioned

facility. The Board therefore concludes that the respondent has violated Section 20-99(b)(2) and (5) as specified in the Second Count, Subsection 3b.

The Second Count Subsections 3c and d alleged that while working as a licensed practical nurse at the Lexington Convalescent Home, the respondent failed to change a gastrostomy site dressing and charted as having changed this site. The respondent was not present at the hearing to respond to this charge.

The above described conduct is a violation of the Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) includes: " (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (6) fraud or material deception in the course of professional activities...."

The Board has determined that during March 1985 and subsequent thereto, while working as a licensed practical nurse at the Lexington Convalescent Home in New Britain, Connecticut, the respondent failed to change a gastrostomy site dressing and charted this site as having been changed. This is verified by Department Exhibit 6, section A(1), a personnel folder from the aforementioned facility in which a warning was issued on August 19, 1986, to the respondent for failure to change a dressing on Patient Mary Erhart's gastrostomy site and charting this dressing as having been changed. The Board therefore concludes that the respondent has violated Section 20-99(b)(2) and (6) as specified in the Second Count, Subsection 3c and d.

The Second Count Subsections 3e and f alleged that while working

as a licensed practical nurse at the Lexington Convalescent Home,



STATE OF CONNECTICUT

the respondent attempted to remove and did remove the property of others from the facility. The respondent was not present at the hearing to respond to this charge.

DEPARTMENT OF PUBLIC HEALTH

The above described conduct is a violation of the Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) includes: " (6) fraud or material deception in the course of professional services or activities...."

The Board has determined that during March 1985 and subsequent thereto, while working as a licensed practical nurse at the Lexington Convalescent Home in New Britain, Connecticut, the respondent attempted to remove and did remove the property of others from the facility. This is verified in Department exhibit 6, Section B(1), during the respondent's second term of employment, in which she was confronted by one of her supervisors as noted November 29, 1986, and admitted that she had taken others property, and attempted to take others property, on several occasions. The Board therefore concludes that the respondent has violated Section 20-99(b)(6) as specified in the Second Count, Subsections 3e and f.

The Second Count Subsection 3g alleged that while working as a licensed practical nurse at the Lexington Convalescent Home, the respondent failed to make appropriate documentation in medical or hospital records. The respondent was not present at the hearing to respond to this charge.

The above described conduct is a violation of the Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) includes: " (6) fraud or material deception in the course



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9

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of professional services or activities; (7) wilful falsification of



in any hospital patient department records pertaining to
the results of the health of a

The Board has determined that during March 1985 and subsequent thereto, while working as a licensed practical nurse at the Lexington Convalescent Home in New Britain, Connecticut, the respondent failed to make appropriate documentation in medical or hospital records. This is verified in Department exhibit 6, section B(2&3), in the aforementioned personnel file, on December 20, and 21, 1986 in which the facility supervisor had found discrepancies in the drug administration charts, and also found that charts were missing. The chart of patient Frank Corbeil contained burn marks and illegible script during the time of the respondent's shift, in which she administered care to the aforementioned patient. Department exhibit 7, contains a notice of warning for this violation of nursing procedure, addressed to the respondent. The Board therefore concludes that the respondent has violated Section 20-99(b)(6) and (7) as specified in the Second Count, Subsection 3g.

The Second Count Subsection 3h alleged that while working as a licensed practical nurse at the Lexington Convalescent Home, the respondent permitted a nurse's aide to administer medication. The respondent was not present at the hearing to respond to this charge.

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



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The Board has determined that during March 1985 and subsequent



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

thereto, while working as a licensed practical nurse at the
Lexington Convalescent Home in New Britain, Connecticut, the
respondent permitted a nurse's aide to administer medication. This
is verified in Department exhibit 6 Section B(6) dated March 3,
1987, in which the respondent permitted a Nurse's Aide, Aurea Torres
to administer medications to patients. The Board therefore
concludes that the respondent has violated Section 20-99(b)(2) as
specified in the Second Count, Subsection 3h.

The Third Count Subsections 3a through 3e alleged that while
working as a licensed practical nurse at the Hughes Convalescent
Home, the respondent diverted the controlled substances Darvocet,
Tylenol with Codeine, Nembutal, and Restoril, and abused or utilized
to excess one or more of the said medications. The respondent was
not present at the hearing to respond to this charge.

The above described conduct is a violation of the Connecticut
General Statutes Section 20-99(b). In pertinent part, Section
20-99(b) includes: " (2) illegal conduct, incompetence or
negligence in carrying out usual nursing functions; (5) abuse or
excessive use of drugs, including alcohol, narcotics or chemicals;
(6) fraud or material deception in the course of professional
services or activities...."

The Board has determined that during March 1987 and subsequent
thereto, while working as a licensed practical nurse at the Hughes
Convalescent Home in New Britain, Connecticut, the respondent
diverted the aforementioned controlled substances and abused one or
more of the said medications. This is verified in Department
exhibit 5, in the respondent's sworn statement in which she admitted



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to diverting and having a substance abuse problem with the



STATE OF CONNECTICUT

of the aforementioned controlled substances. The Board therefore concludes

that the respondent has violated Section 20-99(b)(2) and (6) as

defined in the Third Count, Subsection 3a through 3e.

The Third Count Subsections 3f through 3h alleged that while working as a licensed practical nurse at the Hughes Convalescent Home, the respondent failed to properly or accurately make documentations in the medical or hospital records; falsified one or more Controlled Substance Receipt Records; and made documentations regarding said drugs in hospital or medical records using fictitious names or names other than her own. The respondent was not present at the hearing to respond to this charge.

The above described conduct is a violation of the Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) includes: " (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (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 during March 1987 and subsequent thereto, while working as a licensed practical nurse at the Hughes Convalescent Home in New Britain, Connecticut, the respondent failed to properly or accurately make documentations in the medical or hospital records; falsified one or more Controlled Substance Receipt Records; and made documentations regarding said drugs in hospital or medical records using fictitious names or names other than her own. This is verified in Department exhibit 5, in the respondent's sworn



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12

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statement, in which she admitted to these activities. The Board therefore concludes that the Respondent has violated Section 20-99 (b) (2) and (7) a



ORDER

a. It is the unanimous decision of those of the Board of Examiners for Nursing who were present and voting that the license of the respondent be revoked, to be determined as follows:.

- i. for each of the sections 1 and 2 of the First Count the respondent's license is to be revoked;
- ii. for each of the subsections 3a through 3h of the second count the respondent's license is to be revoked.
- iii. for each of the subsections 3a through 3h of the third count the respondent's license is to be revoked.

The effective date of the revocation is April 1, 1988

The respondent, Cynthia Baggerio, a/k/a Cynthia Brown, is hereby directed to surrender her license and current registration to the Board of Examiners for Nursing at 150 Washington Street, Hartford, Connecticut 06106 on or before April 1, 1988.



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The Board of Examiners for Nursing herewith advises the Department of Health Services of the State of Connecticut of this decision and directs that the registration license of Cynthia Baggerio, a/k/a Cynthia Brown be revoked in accordance herewith.

Dated at Hartford, Connecticut, this 16th day of March, 1988

BOARD OF EXAMINERS FOR NURSING

By Scott James Murphy

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