

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

Sheila Soule, L.P.N.

Licensed Practical Nurse License No. 018942

c/o Dichkewich

209 Meadowbrook Court

West Haven CT 06516

CASE PETITION NO. 940111-11-006

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services (hereinafter the "Department") with a Statement of Charges dated March 14, 1994. (Department Exhibit 1-B) The Statement of Charges alleged, in two (2) counts, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Sheila Soule (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated March 30, 1994 scheduling a hearing for June 29, 1994. The hearing scheduled for June 29, 1994 was continued and rescheduled for November 30, 1994. The hearing took place on November 30, 1994 in Room 2-B, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. (Department Exhibit 1-B)

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 and his/her 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. Sheila Soule, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 018942 on December 8, 1980. Said license lapsed on January 31, 1988, was reinstated on September 1, 1989 and has been current since the date of reinstatement. (Department Exhibit 1-F)
2. Pursuant to the General Statutes of Connecticut, §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. (Department Exhibit 1-A1)
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered to the Respondent's address of record by Deputy Sheriff and were mailed to the Respondent's address of record by first class mail. In addition, Department Exhibit 1-B10 indicates that the Notice of Hearing and Statement of Charges were delivered in hand to Respondent by a representative of the Department.
4. The Respondent was not present during the hearing and was not represented by counsel. (Hearing Transcript, November 30, 1994, p. 2)
5. That on or about February 17, 1981 the Respondent applied for licensure as a licensed practical nurse in the State of Florida. The Respondent was subsequently issued Florida practical nurse license number 0618151. (Department Exhibit 1-D)
6. That on June 28, 1982 the Florida Board of Nursing ordered the suspension of the Respondent's Florida practical nurse license for falsifying controlled substance administration records; unprofessional conduct; and engaging or attempting to engage in the possession, sale or distribution of controlled substances. (Department Exhibit 1-D)

7. That on July 29, 1989 the Respondent completed an application for reinstatement of her Connecticut licensed practical nurse license. (Department Exhibit 1-E) That the Respondent failed to list on the application for reinstatement that she had held a practical nurse license in the State of Florida. In addition, the Respondent answered "No" to an application question which asks, "Have you ever, in any state...had any professional licensing or disciplinary body limit, restrict, suspend or revoke any professional license, certificate, or registration granted to you, or impose a fine or reprimand, or take any other disciplinary action against you?"

DISCUSSION AND CONCLUSIONS

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

Sheila Soule is the holder of a valid licensed practical nurse license in the State of Connecticut.

The Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut §4-177 and §4-182.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The FIRST COUNT of the Statement of Charges alleges that the Respondent's conduct of falsifying controlled substance administration records and unprofessional conduct, while practicing as a practical nurse in the State of Florida and which resulted in the suspension of the Respondent's Florida practical nurse license, subjects the Respondent to disciplinary action by the Connecticut Board of Examiners for Nursing.

The Respondent did not file an answer to the Statement of Charges, therefore the Board deems this charge admitted.

The General Statutes of Connecticut §19a-17 and §20-99 provides that the Board may take any of the actions specified in §19a-17 for conduct which fails to conform to the accepted standards of the nursing profession and which occurred prior or subsequent to the issuance of a license.

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or or negligence in carrying out usual nursing functions... (6) fraud or material deception in the course of professional services or activities.... "

The Board concludes the Respondent's conduct as specified in the First Count, despite being committed outside the State of Connecticut is conduct which fails to conform to the accepted standards of the nursing profession and violates the General Statutes of Connecticut §20-99(b)(2) and (6). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The SECOND COUNT of the Statement of Charges alleges that the Respondent, when she filed an application for reinstatement of her Connecticut Licensed Practical Nurse License, omitted any reference to her practical nurse licensure in the State of Florida, when such application specifically required the Respondent to list all states in which she was or ever had been licensed.

The Respondent did not file an answer to the Statement of Charges, therefore the Board deems this charge admitted.

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (1) Fraud or material deception in procuring or attempting to procure a license to practice nursing.... "

Based on its findings the Board concludes that the Respondent intentionally falsified her application for reinstatement of her Connecticut Licensed Practical Nurse License and that said conduct violates the General Statutes of Connecticut §20-99(b)(1). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for the First Count and the Second Count, the Respondent's licensed practical nurse license, No. 018942, be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Chairperson of the Board of Examiners for Nursing.

The Respondent, Sheila Soule, is hereby directed to immediately surrender Licensed Practical Nurse License No. 018942 to the Board of Examiners for Nursing, Department of Public Health and Addiction Services, 150 Washington Street, Hartford, Connecticut 06106.

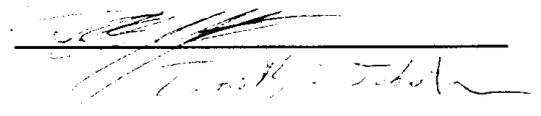
The Board of Examiners for Nursing finds the misconduct regarding the First Count and the Second Count is severable and each specific offense warrants the disciplinary action imposed.

The Board of Examiners for Nursing hereby informs the Respondent, Sheila Soule and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 22nd day of March, 1995.

BOARD OF EXAMINERS FOR NURSING

By



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