

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

Robin Deming, L.P.N.

License No. 019640

1128 Southford Road

Southbury CT 06488

CASE PETITION NO. 920925-11-021

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 July 2, 1993. (Department Exhibit 1) The Statement of Charges alleged, in three (3) counts, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Robin Deming (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated July 22, 1993 scheduling a hearing on October 20, 1993. (Department Exhibit 1) The Respondent requested a continuance of the hearing scheduled for October 20, 1993. The Board denied the request. (Board Exhibit A) (Hearing Transcript, October 20, 1993, pp. 4-5, 37-38)

The hearing took place on October 20, 1993 in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

During the hearing on October 20, 1993 the Department amended the Statement of Charges by withdrawing the First Count Paragraph 2c. (Hearing Transcript, October 20, 1993, pp. 16-17)

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 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. Robin Deming, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 019640 on December 16, 1981 and was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 4)
2. Pursuant to the General Statutes of Connecticut, 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. (Department Exhibits 2 and 3)
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 by certified mail to the Respondent.
4. The Respondent was present during the hearing but was not represented by counsel. (Hearing Transcript, October 20, 1993, pp. 10-13)
5. During the hearing the Respondent verbally answered the Statement of Charges. (Hearing Transcript, September 23, 1993, pp. 7-8)
6. Pursuant to a Consent Order dated September 24, 1991 the licensed practical nurse license of the Respondent was placed on probation for a period of three (3) years effective October 1, 1991 due to abuse of alcohol and marijuana. (Department Exhibit 6)

7. That the probation of the Respondent's licensed practical nurse license included the following conditions: (Department Exhibit 6)
 - A) That the Respondent shall engage in counseling with a licensed or certified therapist during the probationary period.
 - B) That the Respondent shall be responsible for quarterly therapist reports to be submitted to the Board from her therapist.
 - C) That the Respondent shall be responsible for submitting to random urine screens for alcohol and drugs for the entire probationary period and that quarterly reports of said screens are to be submitted to the Board.

8. That the Respondent has not continuously engaged in counseling during the probationary period and that quarterly therapist reports have not been submitted to the Board as required by the terms of her probation. (Hearing Transcript, October 20, 1993, pp. 15-16, 17-20)

9. That the Respondent has not continuously submitted to random urine screens for alcohol and drugs during the probationary period and that quarterly reports of said urine screens have not been submitted to the Board as required by the terms of her probation. (Hearing Transcript, October 20, 1993, pp. 15-16)

10. That on or about September 20, 1992 and subsequent thereto the Respondent was employed as a licensed practical nurse at Fairfield Hills Hospital, Newtown, Connecticut. (Department Exhibit 7) (Answer: Hearing Transcript October 20, 1993, p.12)

11. That on September 20, 1992 while employed as a licensed practical nurse at Fairfield Hills Hospital, the Respondent diverted the controlled substance Ativan and falsified a Controlled Substance Receipt Record and/or other facility record. (Department Exhibit 7) (Hearing Transcript, October 20, 1993, pp. 12-13)

12. That on or about November 5, 1992 while employed as a licensed practical nurse at Fairfield Hills Hospital, the Respondent diverted the controlled substance Ativan; administered medication to a patient when the medication order had expired and purposely documented in the facility record that medication she administered to a patient, had been wasted. (Hearing Transcript, October 20, 1993, pp. 12-13, 27)

DISCUSSION AND CONCLUSIONS

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

Robin Deming 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 sufficiently provided information as mandated by the General Statutes of Connecticut Sections 4-177, 4-182 and 19a-17.

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 Section 4-182(c).

The FIRST COUNT of the Statement of Charges, as amended, alleges the Respondent, while her licensed practical nurse license was on probation pursuant to a Consent Order dated September 24, 1991, failed to submit quarterly reports from her therapist, and quarterly drug/alcohol screens as required by the Consent Order.

The Respondent denies these charges. (Hearing Transcript, October 20, 1993, p. 11)

Based on its findings (FACTS 6-9) the Board concludes that the Respondent failed to submit probationary reports as specified in the First Count as amended. The Board concludes that the Respondent's conduct is a violation of the probation ordered pursuant to Consent Order dated September 24, 1991 and therefore the Respondent is subject to disciplinary action pursuant to the General Statutes of Connecticut.

The SECOND COUNT of the Statement of Charges alleges that while employed as a licensed practical nurse at Fairfield Hills Hospital, Newtown, Connecticut on or about September 20, 1992, the Respondent "diverted the controlled substance Ativan;...falsified a Controlled Substance Receipt Record and/or other facility record."

The Respondent admits these charges. (Hearing Transcript, October 20, 1993, p. 12)

The General Statutes of Connecticut Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as specified in the Second Count is proven and that said conduct violates the General Statutes of Connecticut Section 20-99(b)(2). Therefore, the Respondent is subject to disciplinary action pursuant to the General Statutes of Connecticut.

The THIRD COUNT of the Statement of Charges alleges that while employed as a licensed practical nurse at Fairfield Hills Hospital, Newtown, Connecticut on or about November 5, 1992, the Respondent "diverted the controlled substance Ativan;...administered an expired medication;...falsified a Controlled Substance Receipt Record and/or other facility record."

The Respondent admits these charges. (Hearing Transcript, October 20, 1993, pp. 12-13)

The General Statutes of Connecticut, Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions... (6) fraud or material deception in the course of professional services or activities; (7) wilful falsification of entries in any hospital, patient or other record pertaining to drugs, the result of which are detrimental to the health of a patient...."

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as specified in the Third Count is proven and that said conduct violates the General Statutes of Connecticut Section 20-99(b)(2), (6) and (7). Therefore, the Respondent is subject to disciplinary action pursuant to the General Statutes of Connecticut.

ORDER

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

1. That for the First Count, the licensed practical nurse license, No. 019640, of the Respondent be revoked.
2. That for the Second Count, the licensed practical nurse license, No. 019640, of the Respondent be revoked.
3. That for the Third Count, the licensed practical nurse license, No. 019640, of the Respondent be revoked.
4. Revocation shall become effective on the date this Memorandum of Decision is signed by the Chairperson of the Board of Examiners for Nursing.

The Board of Examiners for Nursing finds the misconduct regarding Count One, Count Two and Count Three is severable and each specific offense warrants the disciplinary action imposed.

The Respondent, Robin Deming, is hereby directed to immediately surrender Licensed Practical Nurse License No. 019640 and current registration to the Board of Examiners for Nursing, Department of Public Health and Addiction Services, 150 Washington Street, Hartford, Connecticut 06106.

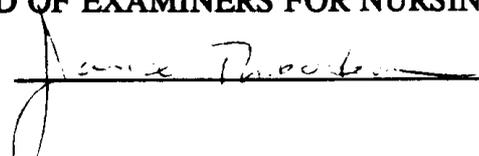
The Board of Examiners for Nursing hereby informs the Respondent, Robin Deming, and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 10th day of February, 1994.

9024Q

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in black ink, appearing to read "Janice P. ...", is written over a horizontal line. The signature is cursive and somewhat stylized.