

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

State of Connecticut
Department of Public Health
vs.
Helen Wiegand, LPN
Licensed Practical Nurse License No. 020197
Respondent.

CASE PETITION NO. 970609-011-015

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 November 21, 1997 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Helen Wiegand (hereinafter the "Respondent") which would subject the Respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing dated December 3, 1997, scheduling a hearing for January 21, 1998 (Department Exhibit 1).

The Respondent was provided notice of the hearing and charges against her. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered by certified mail to the Respondent and the Respondent's attorney.

The hearing took place on January 21 1998, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, January 21 1998, p. 2)

The Department verbally motioned that the allegations in the Statement of Charges be deemed admitted in that the Respondent failed to submit an answer to the Statement of Charges. The Respondent contends that a written response (Respondent's Exhibit A) dated August 5, 1997, to the Department, with reference to allegations which are the subject of this hearing constitutes an answer to the Statement of Charges. (Hearing Transcript, January 21 1998, pp. 4-21)

The Board finds that Respondent's Exhibit A is dated prior to the issuance of the Statement of Charges and therefore does not constitute an answer. Pursuant to §19a-9-20 of the Regulations of Connecticut State Agencies, the Board deems allegations in the Statement of Charges dated November 21, 1997 to be admitted. (Hearing Transcript, January 21 1998, p. 22)

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.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. The Respondent was issued Licensed Practical Nurse License Number 020197 on November 22, 1982. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibits 2 and 3)

2. On or about November 1996, the Respondent was employed as a licensed practical nurse at Glen Hill Convalescent Center, Danbury, Connecticut. (Department Exhibits 4-8) (Respondent's Exhibit A)
3. On or about November 11, 1996 at approximately 4:30 AM, while working as a licensed practical nurse at Glen Hill Convalescent Center, the Respondent provided nursing care to patient F.E. (Resident B). While preparing to move the patient from her bed to a chair the Respondent pulled the patient up by grabbing the patient's nightgown causing a button to come off. (Department Exhibits 4 and 8) (Hearing Transcript, January 21 1998, pp. 47-52)
4. On or about November 11, 1996 at approximately 6:00 AM, while working as a licensed practical nurse at Glen Hill Convalescent Center, the Respondent provided nursing care to patient D.R. (Resident A). Patient D.R. became combative at which time the Respondent slapped the patient on the arm. (Department Exhibits 4,5, and 8) (Hearing Transcript, January 21 1998, pp. 38-39, 45-47, 76)
5. On or about November 12, 1996 at approximately 6:30 AM, while working as a licensed practical nurse at Glen Hill Convalescent Center, the Respondent provided nursing care to patient H.B. (Resident C). Patient H.B. became resistant at which time the Respondent grabbed the patient by the face and pushed the patient down onto her bed. (Department Exhibits 6-8) (Hearing Transcript, January 21 1998, pp. 54-56, 64)

DISCUSSION AND CONCLUSIONS

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

Helen Wiegand 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 legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut 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 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 Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 3 of the Statement of Charges alleges that on or about November 11, 1996, while working as a licensed practical nurse at Glen Hill Convalescent Center, Danbury, Connecticut, the Respondent slapped the arm of resident A.

PARAGRAPH 4 of the Statement of Charges alleges that on or about November 11, 1996, while working as a licensed practical nurse at Glen Hill Convalescent Center, Danbury, Connecticut, the Respondent grabbed resident B's nightgown causing a button to pop off.

PARAGRAPH 5 of the Statement of Charges alleges that on or about November 12, 1996, while working as a licensed practical nurse at Glen Hill Convalescent Center, Danbury, Connecticut, the Respondent shoved resident C down onto the bed by pushing the resident's face.

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 negligence in performing usual nursing functions...."

Despite the allegations in the Statement of Charges being deemed admitted pursuant to §19a-9-20 of the Regulations of Connecticut State Agencies, the Board concludes, based on its findings, that the

Respondent's conduct as alleged in Paragraphs 3, 4, and 5 of the Statement of Charges is proven. The Board concludes that said conduct fails to conform to the accepted standards of the nursing profession and constitutes a violation of the General Statutes of Connecticut §20-99(b)(2). 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 Paragraphs 3, 4 and 5 of the Statement of Charges, the Respondent's licensed practical nurse license, No. 020197, is reprimanded.
2. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers, if employed as a nurse, within fifteen (15) days of the effective date of this decision. The Respondent shall cause the Board to be immediately notified in writing by the Respondent's employer(s) confirming receipt of a copy of this Memorandum of Decision.
3. Any deviation from the terms of this decision, without prior written approval by the Board of Examiners for Nursing, will be cause for an immediate hearing on charges of violating this Order. Any finding that the Respondent has violated this Order will subject the 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 of Examiners for Nursing shall not be a waiver or preclude the Board's right to take subsequent action. The Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to the Respondent's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).

4. This Memorandum of Decision becomes effective on the date signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs the Respondent, Helen Wiegand, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 17th day of June 1998.

BOARD OF EXAMINERS FOR NURSING

By


