

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH**

L. Bonnie Easler
License No. 021763

Petition No. 2007-0216-011-008

MEMORANDUM OF DECISION

Procedural Background

On July 3, 2009, the Department of Public Health ("the Department") filed a Statement of Charges ("the Charges") with the Board of Examiners for Nursing ("the Board"). Dept. Exh. 1. The Charges allege violations of certain provisions of Chapter 378 of the General Statutes ("the Statutes") by L. Bonnie Easler ("respondent") which would subject respondent's licensed practical nurse license to disciplinary action pursuant to §§ 19a-17 and 20-99(b) of the Statutes.

On August 20, 2008, the Charges and a Notice of Hearing were sent to respondent by certified and first class mail. Dept. Exh. 1.

Prior to the hearing, respondent filed an Answer to the allegations. Resp. Exh. A.

After one continuance, the hearing was held on June 17, 2009. At the hearing, respondent was represented by Attorney John R. Donovan; the Department was represented by Attorney Ellen Shanley. Tr. pp. 2-3.

Following the close of the record on June 17, 2009, the Board conducted fact-finding.

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.

Allegations

1. In paragraph one of the Charges, the Department alleges that respondent is and has been at all times referenced in the Charges, the holder of Connecticut licensed practical nurse license number 021763.
2. In paragraph two of the Charges, the Department alleges that during October 2006, respondent was employed as a licensed practical nurse at Brook Hollow Health Care Center ("the Center") in Wallingford, CT.
3. In paragraph three of the Charges, the Department alleges that on or about October 3, 2006, at the Center, Resident 1 was in the room of Resident 2. Resident 2 was the husband of Resident 1. Resident 1 was told to leave her husband's room because she was behaving in a disruptive manner.

4. In paragraph four of the Charges, the Department alleges that respondent requested that staff from Resident 1's unit be sent to relocate Resident 1 to her unit.
5. In paragraph five of the Charges, the Department alleges that Resident 1 did not cooperate with the aide sent to relocate her and refused to leave her husband's room.
6. In paragraph six of the Charges, the Department alleges that respondent intervened in the attempt to remove Resident 1 from her husband's room. Resident 1 displayed agitation, including flailing her arms.
7. In paragraph seven of the Charges, the Department alleges that respondent's intervention included the use of intimidating language/physical mistreatment, and/or attempts to move Resident 1, who was in a wheelchair, while she was resistive to such relocation.
8. In paragraph eight of the Charges, the Department alleges that during these attempts, Resident 1 slid out of her wheelchair and landed on the floor.
9. In paragraph nine of the Charges, the Department alleges that after Resident 1 landed on the floor of her husband's room, respondent failed to take appropriate action to assist the resident.
10. In paragraph ten of the Charges, the Department alleges that the above-described facts constitute grounds for disciplinary action pursuant to § 20-99(b) of the Statutes, including but not limited to § 20-99(b)(2).

Findings of Fact

1. Respondent is and has been at all times referenced in the Charges, the holder of Connecticut licensed practical nurse license number 021763. Resp. Exh. A (Answer).
2. During October 2006, respondent was employed as a licensed practical nurse at the Center in Wallingford, CT. Resp. Exh. A (Answer).
3. On or about October 3, 2006, at the Center, Resident 1 was in the room of Resident 2. Resident 2 was the husband of Resident 1. Resident 1 was told to leave her husband's room because she was behaving in a disruptive manner. Resp. Exh. A (Answer).
4. Respondent requested that staff from Resident 1's unit be sent to relocate Resident 1 to her unit. Resp. Exh. A (Answer).
5. Resident 1 did not cooperate with the aide sent to relocate her and refused to leave her husband's room. Tr. pp 9 – 11.
6. Respondent intervened in the attempt to remove Resident 1 from her husband's room. Resident 1 displayed agitation, including flailing her arms. Resp. Exh. A (Answer).

7. Respondent's intervention included the use of intimidating language/physical mistreatment, and/or attempts to move Resident 1, who was in a wheelchair, while she was resistive to such relocation. Tr. pp. 11 – 15, 19 – 20, 26 – 28, 49.
8. During these attempts, Resident 1 slid out of her wheelchair and landed on the floor. Resp. Exh. A (Answer).
9. After Resident 1 landed on the floor of her husband's room, respondent failed to take appropriate action to assist the resident. Tr. pp. 15 – 17, 28 - 30.

Discussion and Conclusions of Law

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Goldstar Medical Services, Inc., et al. v. Department of Social Services*, 288 Conn. 790 (2008); *Swiller v. Comm'r of Public Health*, CV-950705601, Superior Court, J.D. Hartford/New Britain at Hartford, October 10, 1995; *Steadman v. SEC*, 450 U.S. 91, 101 S. Ct. 999, *reh'g den.*, 451 U.S. 933 (1981).

Section 20-99 of the Statutes provides, in pertinent part, that:

- (a) The Board . . . shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17
- (b) conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following: . . . ; (2) . . . incompetence or negligence in carrying out usual nursing functions;

The allegations contained in paragraphs 1, 2, 3, 4, 6, and 8 of the Charges were admitted; and, the evidence is sufficient to establish the allegations in paragraphs 5, 7, and 9 of the Charges. The Board finds the testimony that supports allegations 5, 7 and 9 to be credible. The Board concludes that respondent's conduct as alleged in paragraphs 1 – 9 constitutes grounds for disciplinary action pursuant to §§ 20-99(b)(2) and 19a-17 of the Statutes. The Board further finds that respondent can practice nursing with reasonable skill and safety under the terms of this Order.

Order

Based on the record in this case, the above findings of fact and conclusions of law, the Board hereby orders, with respect to license number 021763 held by L. Bonnie Easler, as follows:

1. Respondent shall pay a civil penalty of five hundred dollars (\$500.00) 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 before the termination of probation set forth in paragraph 3 herein below.
2. Respondent's license number 021763 to practice as a licensed practical nurse in the State of Connecticut is hereby reprimanded.
3. Respondent's license shall be placed on probation for a period of six months under the following terms and conditions. If any of the conditions of probation are not met, respondent's licensed practical nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - a. Respondent shall attend and successfully complete courses in nursing ethics, patient rights and combative patients, pre-approved by the Board.
 - b. Within thirty days of completion of said courses, respondent shall provide proof to the satisfaction of the Board and Department of her successful completion of the courses.
 - c. The Board must be informed in writing prior to any change of address.
 - d. All communications, payments if required, correspondence, and reports are to be addressed to:

Bonnie Pinkerton, RN, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
Board of Examiners For Nursing
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford CT 06134-0308

4. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject respondent to sanctions under §19a-17(a) and (c) of the Statutes, including but not limited to, the revocation of her license. 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 subsequent action. The Board shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to

respondent's address of record (most current address reported to the Office of Practitioner Licensing and Certification of the Department of Public Health or the Board).

6. This Memorandum of Decision becomes effective, and the six-month probation of licensed practical nurse license no. 021763 shall commence, on February 15, 2010.

The Board of Examiners for Nursing hereby informs respondent, L. Bonnie Easler, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 3rd day of February, 2010.

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Bayff el

CERTIFICATION

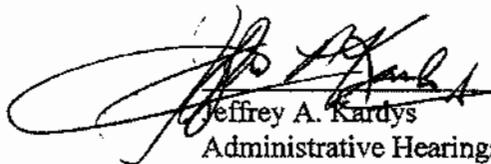
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 10th day of February 2010, by certified mail, return receipt requested to:

John R. Donovan, Esq.
Cromwell West Office Park
154 West Street, BLDG 3
Cromwell, CT 06416

Certified Mail RRR #91 7108 2133 3931 8707 8461

and by Inter-Departmental Mail to:

Matthew Antonetti, Principal Attorney
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134-0308



Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Department of Public Health
Public Health Hearing Office



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

September 2, 2010

L. Bonnie Easler, LPN
P.O. Box 115
Milldale, CT 06467-0115

Re: Memorandum of Decision
Petition No. 2007-0216-011-008
License No. 021763

Dear Ms. Easler:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective August 15, 2010.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Please be certain to retain a copy of this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process, and good luck to you in the future.

Very truly yours,

Bonnie Pinkerton, RN, Nurse Consultant
Practitioner Licensing and Investigations Section

cc: J. Filippone
J. Wojick



Phone: (860) 509-7400
Telephone Device for the Deaf (860) 509-7191
410 Capitol Avenue - MS # 12HSR
P.O. Box 340308 Hartford, CT 06134
An Equal Opportunity Employer