

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Rec'd
12/3/91
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Department of Health Services v.

Tara A. Jacobucci, LPN

License No. 022389

20 Chelsea Drive

Cromwell, Connecticut 06416

CASE PETITION NO. 910528-11-015

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Statement of Charges and a Motion for Summary Suspension dated June 19, 1991.

The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Tara Jacobucci (hereinafter the "Respondent").

The Motion for Summary Suspension alleged that the continued nursing practice of the Respondent represented a clear and immediate danger to the public health and safety.

On June 19, 1991 the Board found that there was a clear and immediate danger based upon the evidence presented in the Motion for Summary Suspension. The Board ordered the Summary Suspension of the Respondent's nursing license, and issued a Notice of Hearing scheduling a hearing for September 24, 1991. (State Exhibit 1)

The Respondent filed a Motion For Immediate Hearing RE: Summary Suspension dated June 24, 1991. (Respondent Exhibit E) The Board granted the Motion and held a hearing on July 15, 1991 in Room B-120, State of Connecticut Department of Health Services, 150 Washington Street, Hartford, Connecticut.

Based upon the evidence presented by the Respondent during the hearing on July 15, 1991, the Board vacated the Summary Suspension and ordered probationary conditions pending the hearing on the Statement of Charges. (Hearing Transcript July 15, 1991, pp. 27-30)

The hearing on the Statement of Charges took place on September 24, 1991 in Room 122, National Guard Armory, Maxim Road, Hartford, Connecticut.

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 makes the following findings of fact:

1. Tara Jacobucci (hereinafter the "Respondent") is and was at all times referenced in the Statement of Charges, the holder of Licensed Practical Nurse License Number 022389 which was issued to her on December 1, 1987. (State Exhibit 1) (Hearing Transcript September 24, 1991, p. 9)
2. The Respondent was aware of the time and location of both hearings. Both she and her attorney received the Notice of Hearing. The Respondent was present at the hearing and was represented by counsel.
3. On May 11, 1991 and at times prior thereto the Respondent was employed as a licensed practical nurse at the Connecticut Valley Hospital, Middletown, Connecticut. (Hearing Transcript September 24, 1991, p.9)
4. On or about May 11, 1991, and at times prior and subsequent thereto, B. M. a twenty-five (25) year old male was a psychiatric patient at the Connecticut Valley Hospital. (State Exhibit 3, p. 3) (State Exhibit 4) (Hearing Transcript, September 24, 1991, pp. 16-17, 96-97, 120, 146-147)
5. That B. M. was mentally competent on May 11, 1991 and at times prior and subsequent thereto. (State Exhibit 1) (Hearing Transcript September 24, 1991, p. 80-82, 154-155)
6. The Respondent, while employed as a licensed practical nurse at the Connecticut Valley Hospital, had discussions with her supervisor concerning the importance of maintaining appropriate relationships and boundaries with patients. (Hearing Transcript September 24, 1991, p. 102, 159)

7. That on or about March, 1991 the Respondent, while employed as a licensed practical nurse at the Connecticut Valley Hospital and while B. M. was a patient at said facility, began to hold numerous personal phone conversations with patient B. M. (Hearing Transcript September 24, 1991, pp. 84-85, 147-149)
8. That the Respondent held the phone conversations referenced in Fact No. 7 despite knowing it was unprofessional and inappropriate to do so. (Hearing Transcript, September 24, 1991, pp. 159, 167)
9. That on May 11, 1991, while employed as a licensed practical nurse at the Connecticut Valley Hospital, the Respondent met with B. M., a patient of Connecticut Valley Hospital, in the Respondent's automobile in a parking lot on the grounds of said facility. (State Exhibits 3, 4) (Hearing Transcript September 24, 1991, pp. 20, 152)
10. That the Respondent met with patient B. M. as referenced in Fact No. 9 despite knowing it was inappropriate to do so. (Hearing Transcript September 24, 1991, pp. 152, 159)
11. That the Respondent and patient B. M. when they met on May 11, 1991 were in the back seat of the Respondent's automobile and engaged in kissing, embracing and heavy petting. (State Exhibits 3, 4) (Hearing Transcript September 24, 1991, pp. 15, 152-153, 166-167)

12. That the incident involving the Respondent and patient B. M. on May 11, 1991 took place prior to when the Respondent was scheduled to report to work for the day. (Hearing Transcript September 24, 1991, p. 168)

DISCUSSION AND CONCLUSIONS

The FIRST COUNT SUBSECTION 4a of the Statement of Charges alleges that on and/or before May 11, 1991 the Respondent "failed to maintain an appropriate nurse-patient relationship between herself and B. M."

The Respondent denied this charge. (Hearing Transcript, September 24, 1991, p. 9)

The General Statutes of Connecticut, September 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession.

Based on Facts 7, 9, and 11 the Board concludes that a personal relationship developed between the Respondent and patient B. M. The relationship intensified despite the Respondent's knowledge that such a relationship was inappropriate and unprofessional (Facts 8 and 10) and despite the Respondent's knowledge of the importance of maintaining appropriate relationships with patients (Fact 6).

Therefore, the Board concludes that the Respondent violated the General Statutes of Connecticut Section 20-99(b) in that her conduct of failing to maintain an appropriate nurse-patient relationship between herself and B. M. does not conform to the accepted standards of the nursing profession.

The FIRST COUNT SUBSECTION 4b of the Statement of Charges alleges that on and/or before May 11, 1991 the "Respondent injured and endangered the emotional and physical well-being of B. M."

The Respondent denies this charge. (Hearing Transcript September 24, 1991, p. 9)

The Board concludes the Department presented insufficient evidence to prove this charge. Therefore, the First Count Subsection 4b is dismissed.

The FIRST COUNT SUBSECTION 4c of the Statement of Charges alleges that on and/or before May 11, 1991 the "Respondent engaged in sexual intercourse and/or sexual contact with B. M."

The Respondent denied this charge. (Hearing transcript September 24, 1991, p. 9)

The General Statutes of Connecticut Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession.

The Board concludes that the Department presented insufficient evidence to prove that the Respondent engaged in sexual intercourse with B. M., however, based on Fact 11 the Board concludes the Respondent engaged in sexual contact with B. M.

Engaging in sexual contact with a patient is conduct which fails to conform to the accepted standards of the nursing profession. Therefore, the Respondent violated the General Statutes of Connecticut Section 20-99(b).

The FIRST COUNT SUBSECTION 4d of the Statement of Charges alleges that on and/or before May 11, 1991 the "Respondent, by engaging in sexual intercourse and/or sexual contact with B. M. in an automobile in a hospital parking lot during daylight hours, endangered and/or injured the emotional well-being of Connecticut Valley Hospital patients".

The Respondent denied this charge. (Hearing Transcript September 24, 1991, p. 9)

The Board concludes the Department presented insufficient evidence to prove this charge. Therefore, the First Count Subsection 4d is dismissed.

ORDER

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

1. That for the First Count, Subsections 4a and 4c, the Respondent be issued a letter of reprimand and placed on probation until July 1, 1992.

2. The conditions of probation are the following:

A. She shall provide a copy of this Memorandum of Decision to any and all employers. The Board shall be notified in writing by her employer(s), within thirty (30) days of the effective date of this decision, as to receipt of a copy of this Memorandum of Decision.

- B. Should the Respondent change employment at any time during the probationary period, she shall immediately provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board in writing, within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.

- C. She shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency for the period of her probation.

- D. During the probationary period the Respondent must successfully complete a course on ethics in the nursing profession.

- E. The course cited in (D) above must be approved by the Board prior to commencement.

- F. The Respondent shall be responsible for the provision of a report from the director, of the course cited in (D) above, certifying her successful completion. This report shall be issued to the Board at the address cited in (I) below and is due by July 1, 1992.

- G. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.

- H. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of Respondent's address.

I. All correspondence and reports are to be addressed to:

OFFICE OF THE BOARD OF EXAMINERS FOR NURSING
Department of Health Services
150 Washington Street
Hartford, CT 06106

3. If the conditions of probation are not met or if there is any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing it will constitute a violation of probation and will subject the Respondent to sanctions under the General Statutes of Connecticut, Section 19-17(a) and (c) including but not limited to the revocation of her license. Any extension of time or grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be waived or preclude the Board's right to take action at a later time. The Connecticut Board of Examiners for Nursing shall not be required to grant any future extension of time or grace periods. Notice of revocation or other disciplinary action shall be sent to her address or record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Health Services or the Connecticut Board of Examiners for Nursing).
4. The probation period of the Respondent's license shall commence on January 15, 1992.
5. This Memorandum of Decision shall serve as the letter of reprimand.

The Board of Examiners for Nursing hereby informs the Respondent and the Department of Health Services of the State of Connecticut of this decision.

Dated at *Hartford*, Connecticut this *5th* day of *December*, 1991.

BOARD OF EXAMINERS FOR NURSING

BY *Scott J. Murphy*

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