

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

Patricia Adams, LPN

License No. 023037

126 Fairview Avenue, Ext.

Bridgeport CT 06606

CASE PETITION NO. 930405-11-015

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 dated May 25, 1993.

The Statement of Charges alleged in one (1) count, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Patricia Adams (hereinafter the "Respondent").

Based on the allegations in the Statement of Charges the Board found that the continued nursing practice of the Respondent represented a clear and immediate danger to the public health and safety.

The Board ordered the Summary Suspension of the Respondent's nursing license, and issued a Notice of Hearing dated May 26, 1993, scheduling a hearing for June 17, 1993. (Department Exhibit 1). The hearing was continued at the Respondent's request and took place on September 23, 1993 in Room 2-A of the Legislative Office Building, Capitol Avenue, Hartford, Connecticut. (Hearing Transcript, September 23, 1993, p. 9)

* Prior to July 1, 1993 the Department of Public Health and Addiction Services was known as the Department of Health Services.

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. Patricia Adams hereinafter referred to as the Respondent, was at all times referenced in the Statement of Charges the holder of Licensed Practical Nurse License Number 023037. (Answer: Respondent Exhibit A)
2. The Respondent was aware of the time and location of the hearing. Department Exhibit 1 indicates that the Summary Suspension Order, the Notice of Hearing and Statement of Charges were delivered by certified mail to the Respondent.
3. The Respondent was present at the hearing and was represented by counsel. (Hearing Transcript, September 23, 1993, p. 3)
4. That the Respondent provided a written and verbal Answer to the Statement of Charges. (Respondent Exhibit A) (Hearing Transcript, September 23, 1993, pp. 6-9)
5. That on March 26, 1993, while employed as a licensed practical nurse by A-A-A Nursing Care, Stratford, Connecticut, the Respondent was assigned to work at Whitney Center, Hamden, Connecticut. (Department Exhibits 4, 5)

6. That on or March 26, 1993 while working as a licensed practical nurse at Whitney Center, the Respondent provided nursing care to patient Adelaide Waldron. (Department Exhibits 2, 3, 5) (Answer: Respondent Exhibit A) (Hearing Transcript, September 23, 1993, pp. 27-28)
7. That patient Adelaide Waldron had physician orders to be administered Tincture of Opium, 10 drops, by mouth four times a day in a 24 hour period. (Department Exhibits 2, 3, 5)
8. That on March 26, 1993, while working as a licensed practical nurse at Whitney Center, the Respondent administered 10 cc's of Tincture of Opium to patient Adelaide Waldron at 1:00 PM. (Department Exhibits 2-5) (Hearing Transcript, September 23, 1993, pp. 7-8, 57-58)
9. That patient Adelaide Waldron died on March 27, 1993 at approximately 4:46 PM. The cause of death was Tincture of Opium overdose. (Department Exhibit 2 and 5)

DISCUSSION AND CONCLUSIONS

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

Patricia Adams held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, 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 PARAGRAPH 3a of the Statement of Charges alleges that the Respondent, while working as a licensed practical nurse at Whitney Center, Hamden, Connecticut on or about March 26, 1993, provided nursing care to patient Adelaide Waldron which was below the professional standards of the nursing profession in one or more of the following ways:

- "a. She failed to appropriately and/or properly administer medication in that the medication order was for ten (10) drops of Tincture of Opium and she administered approximately ten (10) cc of Tincture of Opium; and/or
- b. She failed to timely, accurately and/or properly call a 'medical emergency', or to attempt to explain the situation to the patient's physician."

The Respondent admits to Paragraph 3a but denies Paragraph 3b. (Hearing Transcript, September 23, 1993, pp. 8-9)

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 First Count Paragraph 3a 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 Board further concludes, based on the lack of sufficient evidence, that the conduct specified in the First Count Paragraph 3b is not proven. Therefore, the First Count Paragraph 3b is dismissed.

The FIRST COUNT PARAGRAPH 4 alleges that as a consequence of the Respondent's conduct, patient Adelaide Waldron died on March 27, 1993 of an Opium overdose.

Although it is proven that Adelaide Waldron died of an overdose of Tincture of Opium (FACT 9) subsequent to the medication administration error made by the Respondent, the fact of the patient's death is irrelevant in determining the appropriate disciplinary action in this case.

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 the Summary Suspension of the Respondent's licensed practical license, No. 023037, ordered on May 26, 1993 is vacated effective September 23, 1993. (Hearing Transcript, September 23, 1993, p. 73).
2. That for the First Count Paragraph 3a, the licensed practical nurse license, No. 023037, of the Respondent be placed on probation for a period of one (1) year.
3. If any of the following conditions of probation are not met, the Respondent's license may be immediately revoked:
 - A. She shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board will be notified in writing by her employer(s) within thirty (30) days as to receipt of a copy of this Memorandum of Decision.
 - B. Should the Respondent change employment as a nurse at any time during the probationary period, she shall 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. The Respondent 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. If employed as a nurse, she shall cause monthly employer reports to be submitted to the Board by her nursing supervisor (i.e. Director of Nursing) during the entire probationary period. Monthly employer reports are due on the first business day of each month. Monthly employer reports shall commence with the report due January 3, 1994.
- E. Said reports cited in D above, shall include documentation of the Respondent's ability to safely and competently practice nursing and an evaluation of her ability to safely and competently administer medications. Said reports shall be issued to the Board at the address listed in paragraph J below.
- F. During the one (1) year period of probation the Respondent must complete a course of study in pharmacology, which must be of a theoretical content. Said course must be approved by the Board prior to its commencement.
- G. Certification of successful completion of the course cited in F above shall be submitted to the Board, directly from the educational institution where said course was taken, within thirty (30) days of the course completion.
- H. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- I. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- J. Any correspondence and reports are to be addressed to:

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

4. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will be cause for an immediate hearing on charges of violating this Order and will constitute a violation of probation and will subject the Respondent to sanctions under the General Statutes of Connecticut Section 19a-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 a waiver 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 future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to her address of record (the most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health and Addiction Services or the Connecticut Board of Examiners for Nursing).
5. This Memorandum of Decision becomes effective, and the one (1) year probation period of the Respondent's license shall commence, on the date this Memorandum of Decision is signed by Chairperson of the Board of Examiners for Nursing.

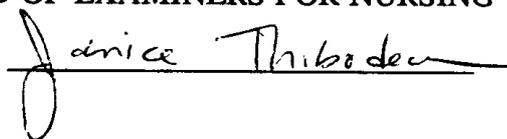
The Board of Examiners for Nursing informs the Respondent, Patricia Adams, and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 8th day of December, 1993.

8921Q

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script that reads "Janice Thibodeau". The signature is written over a horizontal line.