

Lorraine Munger
14 High Street
Niantic, CT 06357

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

State of Connecticut
Department of Public Health
vs.
Lorraine Munger, LPN
Licensed Practical Nurse License No. 023139
respondent.

CASE PETITION NO. 980708-011-019

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 and Motion for Summary Suspension dated October 23, 1998 (Dept. Exh. A). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Lorraine Munger (hereinafter "respondent") which would subject respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of respondent presented a clear and immediate danger to public health and safety. On November 4, 1998, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Licensed Practical Nurse license of respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. A.

The Board issued a Notice of Hearing dated November 4, 1998, scheduling a hearing for November 18, 1998. Dept. Exh. A.

Respondent was provided notice of the hearing and charges against her. Department Exhibit A indicates that the Notice of Hearing and Statement of Charges were served on respondent by Deputy Sheriff on November 13, 1998.

The hearing took place on November 18, 1998, in Room 2A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Tr., November 18, 1998.

Respondent submitted a letter in which she responded to the Statement of Charges. Dept. Exh. B.

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.

Findings of Fact

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

1. Respondent was issued Licensed Practical Nurse license number 023139 on June 1, 1989. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. A-C
2. Beginning in 1989, respondent was employed as a Licensed Practical Nurse at a Connecticut Department of Mental Retardation group home located at 40 Shore Road, Waterford, Connecticut. Dept. Exh. A-A2.
3. On or about January 5, 1998, while working as a Licensed Practical Nurse at the Connecticut Department of Mental Retardation group home, respondent administered an extra dose of Phenobarbital to patient M.D. without a physician's order. Respondent's documentation of the administration of Phenobarbital to patient M.D. was incomplete. Dept. Exh. A-A, pp. C12-14.
4. On eleven occasions between approximately January 12, 1998 and January 28, 1998, while working as a Licensed Practical Nurse at the Connecticut Department of Mental Retardation group home, respondent failed to administer the prescribed medication Lactulose to patient A.L. On ten of the occasions, respondent failed to document a reason for not administering the prescribed Lactulose to patient A.L. and failed to contact patient A.L.'s physician to report that the medication was not administered. Dept. Exh. A-A1; A-A, pp. C4-5.
5. On or about January 21, 1998, while working as a Licensed Practical Nurse at the Connecticut Department of Mental Retardation group home, respondent administered a double dose of a nebulizer treatment to patient M.D. despite the lack of a physician's order to do so. Dept. Exh. A-A2; A-A, pp. C11-12.
6. On or about January 27, 1998, while working as a Licensed Practical Nurse at the Connecticut Department of Mental Retardation group home, respondent failed to administer multiple prescribed medications to patient W.C. and failed to consult with patient W.C.'s physician prior to withholding the medications. Dept. Exh. A-A, p. B1.

7. On or about January 2, 1998, while working as a Licensed Practical Nurse at the Connecticut Department of Mental Retardation group home, respondent failed to start patient A.L.'s Sustocal gastrostomy feeding as ordered. Respondent falsely documented that she had started the feeding. Dept. Exh. A-A2; A-A, pp. C2-3.

Conclusions of Law and Discussion

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

Lorraine Munger 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 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.

PARAGRAPHS 3 and 4 of the Statement of Charges allege that on or about January 5, 1998, while employed as a Licensed Practical Nurse at Department of Mental Retardation group home, respondent administered an extra dose of Phenobarbital to patient M.D. without a physician's order, and failed to completely document the administration of the extra dose of Phenobarbital.

PARAGRAPHS 5, 6 and 7 of the Statement of Charges allege that on eleven occasions between approximately January 12, 1998 and January 28, 1998, while employed as a Licensed Practical Nurse at Department of Mental Retardation group home, respondent failed to administer Lactulose to patient A.L. as prescribed; on at least ten of said occasions, respondent failed to document why the Lactulose was not administered and failed to inform the patient's physician that the Lactulose was not administered.

PARAGRAPHS 8 and 9 of the Statement of Charges allege that on or about January 21, 1998, while employed as a Licensed Practical Nurse at Department of Mental Retardation group home, respondent

administered an extra dose of nebulized Proventil to patient M.D. without a physician's order, and failed to completely document the administration of the extra dose of Proventil.

PARAGRAPHS 10 and 11 of the Statement of Charges allege on or about January 27, 1998, while employed as a Licensed Practical Nurse at Department of Mental Retardation group home, respondent failed to administer multiple medications to patient W.C. as prescribed and failed to consult with the patient's physician concerning the withholding of the medications.

PARAGRAPHS 12 and 13 of the Statement of Charges allege on or about January 29, 1998, while employed as a Licensed Practical Nurse at Department of Mental Retardation group home, respondent failed to start patient A.L.'s gastrostomy feeding and falsely documented that she had started the patient's feeding.

Respondent submitted an Answer in which she does not deny any wrong doing, however, respondent does not specifically admit or deny these charges. Pursuant to §19-9-19 of the Regulations of Connecticut State Agencies the Board deems the charges in the Statement of Charges to be admitted due to respondent's failure to specifically admit or deny the Statement of Charges.

The General Statutes of Connecticut §20-99 provides in relevant part:

- (a) The Board of Examiners for Nursing 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) illegal conduct, incompetence or negligence in performing usual nursing functions. . . .

The Board finds that there exists ample and credible evidence of respondent having made repeated errors in medication administration, documentation and treatment and that these errors are consistent with a pattern of incompetent and negligent care.

Based on its findings the Board concludes that respondent's conduct as alleged in Paragraphs 3 through 13 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2). Therefore, respondent's Licensed Practical Nurse license 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:

That for Paragraphs 3 through 13 of the Statement of Charges, respondent's Licensed Practical Nurse license, No. 023139, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

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

Dated at Wethersfield, Connecticut this 2nd day of June 1999.

BOARD OF EXAMINERS FOR NURSING

By  _____