

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

RE: Lorraine Munger, L.P.N.
License No. 023139

Petition No. 2010-5251

MEMORANDUM OF DECISION

Procedural Background

Lorraine Munger (hereinafter "petitioner") was issued Licensed Practical Nurse ("LPN") license number 023139. Pursuant to a Memorandum of Decision dated June 2, 1999 ("the Decision"), the Board of Examiners for Nursing (hereinafter "the Board") ordered the revocation of petitioner's LPN license. In a letter dated January 31, 2010, petitioner requested that the Board reinstate her LPN license. Bd Exh. 1.

Pursuant to petitioner's request, the Board issued a Notice of Hearing dated April 7, 2010, scheduling a hearing for June 2, 2010. Bd Exh. 1. After one continuance, a hearing was held on July 21, 2010. Bd Exh. 2. Petitioner was represented at the hearing by Attorney Mary Alice Moore Leonhardt; the Department of Public Health ("the Department") was represented by Attorney Matthew Antonetti. Tr., p. 2.

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 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. Petitioner previously held license number 023139 to practice as an LPN. Pet. Exh. 1.
2. In June of 1999, pursuant to the Decision, the Board ordered the revocation of petitioner's LPN license based on findings that petitioner made repeated errors in medication administration and documentation and treatment of patients. Bd Exh. 1.
3. After her LPN license was revoked, petitioner worked as a private duty home healthcare aide. In addition to providing care to patients, petitioner's responsibilities most recently included managerial duties of hiring, training and scheduling. Pet. Exhs. 2A, 2K-2N, and 3; Tr., pp. 22-23, 30.

4. Petitioner has successfully completed online continuing education courses pertaining to healthcare documentation and the detection and prevention of medication errors. In addition petitioner has completed self-study relating to nursing ethics. Pet. Exhs. 2B-2D; Tr., pp. 19-20, 28.
5. Petitioner plans to take the LPN Refresher Program offered through Charter Oak State College. Pet. Exh. 2F; Tr. p. 27

Discussion and Conclusions of Law

Petitioner has the burden of proof in satisfying the Board that she is able to practice as an LPN by presenting relevant evidence at the hearing that she is able to return to practicing nursing with reasonable skill and safety.

Respondent has taken the initiative by way of continuing education and self-study to remedy the practice issues which led to the revocation of her LPN license and has acknowledged her willingness to complete an LPN refresher program and sit for the LPN licensing examination to determine her nursing competency.

The Board finds that the petitioner has presented relevant and credible evidence to sustain her burden of satisfying the Board of her ability to return to the practice of nursing under the terms of the Order described below.

Order

Pursuant to §§ 19a-17 and 20-99 of the General Statutes, the Board hereby orders the following:

1. Licensed Practical Nurse license number 023139, of petitioner, Lorraine Munger, is hereby reinstated and immediately restricted in that she is prohibited from practicing as an LPN and may only use her LPN license for the sole purpose of participating in a refresher program as set forth in paragraph 2 of this Order.
2. Petitioner shall successfully complete a Board approved Licensed Practical Nurse refresher program and successfully take the licensing examination for LPNs.
 - A. Certification of successful completion of the LPN refresher program shall be submitted to the Board, directly from the educational institution where said program was taken, within thirty (30) days of the program's completion.

- B. Petitioner shall submit an application to the Department's licensing authority. Petitioner shall be administered the licensing examination for LPNs. Petitioner shall incur all expenses associated with applying for and taking the LPN licensing examination.
 - C. Petitioner shall attain a passing score on the licensing examination for LPNs.
 - D. Until such time that petitioner successfully completes the LPN refresher program and attains a passing score on the LPN licensing examination, petitioner is prohibited from practicing as an LPN and petitioner's LPN license will be restricted and used for the sole purpose of participating in the LPN refresher program.
3. Upon notification by the Department that petitioner has satisfied the terms set forth in paragraph 2, petitioner's licensed practical nurse license number 023139, shall be placed on probation for a period of two (2) years under the following terms and conditions:
- A. Respondent shall not be employed as an LPN for a personnel provider service, assisted living services agency, homemaker-home health aide agency, or home health care agency, and shall not be self-employed as an LPN for the period of probation.
 - B. Petitioner shall provide a copy of this Memorandum of Decision to any and all employers if employed as an LPN during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
 - C. If employed as an LPN; petitioner shall cause employer reports to be submitted to the Board, by her immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of month following employment as a nurse. Employer reports shall be submitted monthly during the entire probationary period.

- D. The employer reports cited in Paragraph 3C above shall include documentation of petitioner's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph 3H below.
- E. Should petitioner's employment as an LPN be involuntarily terminated or suspended, respondent and her employer shall notify the Board within seventy-two (72) hours of such termination or suspension.
- F. If petitioner pursues further training in any subject area that is regulated by the Department, petitioner shall provide a copy of this Memorandum of Decision to the educational institution or, if not the institution, to petitioner's instructor. Such institution or instructor shall notify the Department in writing of receipt of a copy of this Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph 3I below.
- G. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- H. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, RN, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
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 petitioner has violated this Order will subject petitioner 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 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 petitioner's address of record (most current address

reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department or the Board).

5. This Memorandum of Decision becomes effective on the date signed by the Board.

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

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

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Bouffard, RN.
Patricia Bouffard, RN.
Chairperson

CERTIFICATION

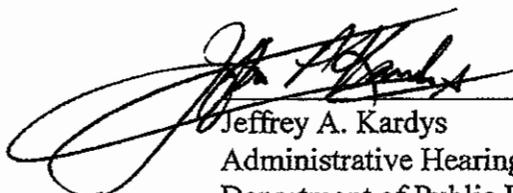
I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 4th day of November 2010, by certified mail, return receipt requested, to:

Lorraine Munger
14 High Street
Niantic, CT 06357

Certified Mail RRR #91-7108-2133-3932-0556-3504

and via email 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

August 1, 2013

Lorraine Munger, LPN
14 High Street
Niantic, CT 06357-2626

Re: Memorandum of Decision
Petition No: 2010-5251
License No. 023139

Dear Ms. Munger:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective April 28, 2013.

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

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

cc: J. Filippone
J. Wojick



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