

CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. \_\_\_\_\_

STATE OF CONNECTICUT  
DEPARTMENT OF HEALTH SERVICES  
BUREAU OF HEALTH SYSTEM REGULATION  
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: Beverly Bierce, L.P.N.  
License No. 023859  
834 Kent Road  
Box 216  
Gaylordsville, CT 06755

Petition No. 911023-11-028

CONSENT ORDER

WHEREAS, Beverly Bierce of Gaylordsville, Connecticut has been issued license number 023859 to practice as a licensed practical nurse by the Department of Health Services pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and

WHEREAS, the Department of Health Services alleges the following:

1. On or about September 19, 1991, while working as a nurse at the Wooster Group Home in Danbury, Connecticut she failed to administer appropriate emergency techniques to patient Thomas Fesko.
2. She is licensed as a nurse only in Connecticut and does not have licensure pending in any other state.
3. The conduct described in 1. above fails to conform to the accepted standards of the nursing profession in violation of §20-99(b) of the General Statutes of Connecticut.

WHEREAS, Beverly Bierce, in consideration of this Consent Order has chosen not to contest the above allegations at a hearing before the Connecticut Board of Examiners for Nursing. Beverly Bierce while admitting no guilt or wrongdoing agrees that for the sole purpose of proceedings before the Board in which her

license is at issue, the above allegation shall have the same effect as if proven. Beverly Bierce further agrees that this Consent Order shall have the same effect as if proven after a full hearing pursuant to Sections 19a-9, 19a-10 and 20-99(a) of the Connecticut General Statutes.

NOW THEREFORE, pursuant to §19a-17 and §20-99(a) of the General Statutes of Connecticut, Beverly Bierce hereby stipulates and agrees to the following:

1. That she waives the right to a hearing on the merits of this matter.
2. That her license number 023859 to practice as a licensed practical nurse in the State of Connecticut is on probation for one (1) year.
3. That her probation is subject to the following conditions:
  - A. 1.) She shall successfully complete a continuing education course or internship in emergency nursing care and procedures. She shall submit written verification of the successful completion of such course to the Connecticut Board of Examiners for Nursing at the address cited in paragraph 6. below.
  - B. 1.) She shall provide a copy of this Consent Order to her employer.
  - 2.) She shall not accept employment as a nurse for a personnel provider, visiting nurse agency or home health care agency for the period of her probation.
  - 3.) She shall be responsible for the provision of quarterly reports from her nursing supervisor (i.e. Director of Nursing) due on the first business day of January, April, July and October beginning with the report due on October 1, 1993.

4.) Said reports cited in 3.B.3 above shall include documentation of her ability to safely and competently practice nursing and her ability to appropriately respond to urgent changes in patient status. Said reports shall be issued to the Board at the address cited in paragraph 6. below.

4. That the Connecticut Board of Examiners for Nursing must be informed prior to any change of employment.
5. That the Connecticut Board of Examiners for Nursing must be informed prior to any change of address.
6. That 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

7. The parties stipulate that any violation of the terms of this Consent Order authorizes the Department to seek a summary suspension of the respondent's license. The respondent specifically waives the provisions of Connecticut General Statutes §4-182(c) which requires a finding of an emergency before summary action can be taken. The respondent agrees that any violation of the terms of this Consent Order will constitute grounds for summary action. The respondent further agrees that any deviation from the term(s) of probation without prior written approval by the Connecticut Board of Examiners for Nursing shall constitute a violation of probation. A violation of any term(s) of probation specified in paragraphs 3., 4., or 5. above shall result in the right of the Connecticut Board of Examiners for Nursing to immediately revoke or take other disciplinary action as cited in Connecticut General Statutes §19a-17 against her nursing 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 (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). Her license shall be suspended from the date the notification of the alleged violation of probation is mailed until the decision of the Connecticut Board of Examiners for Nursing on the violation of probation is issued.

8. That this Consent Order is effective the first day of the month immediately following the date said Consent Order is ordered and accepted by the Connecticut Board of Examiners for Nursing.
9. That she understands this Consent Order is a matter of public record.
10. That she understands this Consent Order may be considered as evidence of the above alleged violations in any proceeding before the Connecticut Board of Examiners for Nursing (1) in which her compliance with this same order is at issue, or (2) in which her compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue.
11. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that said order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not

deprive her of any other rights that she may have under the laws of the State of Connecticut or of the United States.

12. That she permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance, Department of Health Services to present this Consent Order and the basis for said Consent Order to the Connecticut Board of Examiners for Nursing. She understands that the Connecticut Board of Examiners for Nursing has complete and final discretion as to whether an executed Consent Order is approved or granted.
13. That she understands she has the right to consult with an attorney prior to signing this document.

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I, Beverly Bierce, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Beverly Bierce  
Beverly Bierce

Subscribed and sworn to before me this 7<sup>th</sup> day of June 1993.

Janice M. Weidman  
Notary Public or person authorized  
by law to administer an oath or  
affirmation  
**JANICE M. WEIDMAN**  
**NOTARY PUBLIC**  
My Commission Expires Sept 30, 1998

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Health Services on the 15<sup>th</sup> day of June 1993, it is hereby accepted.

Stanley K. Peck  
Stanley K. Peck, Director  
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 17 day of June 1993, it is hereby ordered and accepted.

BY: Janice Thibodeau  
Connecticut Board of Examiners for Nursing



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES  
BUREAU OF HEALTH SYSTEM REGULATION

June 30, 1994

Beverly Bierce  
834 Kent Road, Box 216  
Gaylordsville CT 06755

RE: Connecticut LPN License No. 023859

Dear Ms. Bierce:

Your eligibility for reinstatement from probation of your licensed practical nurse license has been reviewed, and the Board of Examiners for Nursing recommends that your license be reinstated with an effective date of July 1, 1994.

Renewal of your practical nurse license is required, by law, annually during the month of your birth following the date of this letter. If the license is not renewed within ninety (90) days of the due date, it will become automatically void. This means that future reinstatement will require re-application.

State law requires you to notify this office within thirty (30) days of ANY change of address whether in or out of this state. Should you have any questions concerning this process contact this Department at 566-4979.

Sincerely,

Marie T. Hilliard, Ph.D., R.N.  
Executive Officer  
Board of Examiners for Nursing

MTH:jew  
4290/39

cc: Richard J. Lynch, Assistant Attorney General  
Donna Buntaine Brewer, Chief, Public Health Hearing Office  
John N. Boccaccio, Chief, Licensure & Registration  
Joseph J. Gillen, Chief, Applications, Examinations and Licensure  
Nurse Licensure, Applications, Examinations and Licensure

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