STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH

In Re: Lynne M. Fox, R.N., L.P.N.

Petition Nos. 2009-20091319;
2009-20091472

CONSENT ORDER

WHEREAS, Lynne M. Fox (hereinafter "respondent") of Plainville, Connecticut has been issued license number E54726 to practice as a registered nurse and license number 024276 to practice as a licensed practical nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. At all relevant times respondent worked as a registered nurse at The Hospital of Central Connecticut located in New Britain (hereinafter "the facility.") During January 2009 patient N.O. was treated at the facility. Respondent was not assigned to treat patient N.O. On about January 6, 2009 and on about January 19, 2009, respondent inappropriately accessed the medical record of N.O.
2. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99(b), including but not limited to §20-99(b)(2);

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations at a hearing in front of the Board of Examiners for Nursing (hereinafter "the Board"). Respondent does not admit to having violated any statute or regulation, including but not limited to §20-99(b) of the General Statutes of Connecticut. Respondent further agrees that this Consent Order

shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(a) of the General Statutes of Connecticut.

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

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent shall pay a civil penalty of one thousand dollars ($1,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Numbers on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
3. Respondent shall comply with all federal and state statutes and regulations applicable to her professions.
4. Respondent's license number E54726 to practice as a registered nurse and number 024276 to practice as a licensed practical nurse in the State of Connecticut are hereby placed on probation for six (6) months, subject to the following terms and conditions:
   A. During the probationary period, respondent shall attend and successfully complete a course in ethics and a course in patient rights, pre-approved by the Department. Within one (1) month of the completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such courses. Should respondent provide proof of her successful completion of such coursework, to the Department's satisfaction, prior to the expiration of six months, the probationary period shall be deemed terminated.

B. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.

C. All correspondence and reports shall be addressed to:

Bonnie Pinkerton
Department of Public Health
Practitioner Licensing and Investigations
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

5. Any violation of the terms of this Consent Order without prior written approval by the Board shall constitute grounds for the Department to seek revocation of respondent's nursing license following notice and an opportunity to be heard.

6. 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 action at a later time. The Board shall not be required to grant future extensions of time or grace periods.

7. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.

8. This Consent Order is effective on the first day of the month immediately following the month in which this Consent Order is approved and accepted by the Board.

9. Respondent understands this Consent Order is a matter of public record.

10. The Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which (1) her compliance with this same order is at issue, or (2) her compliance with §20-99(b) of the General Statutes of Connecticut, as

amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank.

11. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a licensed practical or a registered nurse, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45-day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Board and shall be given due weight by the Board in determining whether respondent's conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

12. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license(s) before the Board.

13. 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, this Consent 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 respondent of any other rights that respondent may have under the laws of the State of Connecticut or of the United States.

14. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. The Department and respondent understand that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.

15. This Consent Order is a revocable offer of settlement, which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.

16. Respondent has had the opportunity to consult with an attorney prior to signing this document.

17. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.

18. This Consent Order embodies the entire agreement of the parties with respect to these cases. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Lynne M. Fox, 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.

Lynne M. Fox, L.P.N., R.N.
Lynne M. Fox, L.P.N., R. N.

Subscribed and sworn to before me this 8th day of April, 2010.

PHYLLIS TUCKER
NOTARY PUBLIC
My Commission Expires Sept. 30, 2010

Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 28th day of April, 2010, it is hereby accepted.

Jennifer Filippone, Section Chief,
Practitioner Licensing and Investigations
Healthcare Systems Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 19th day of May, 2010, it is hereby ordered and accepted.

BY: Patricia C Bailey
Connecticut Board of Examiners for Nursing

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

June 17, 2010

Lynne Fox, RN, LPN
91 Williams Street
Plainville, CT 06062

Re: Consent Order
Petition Nos. 2009-20091319 and 2009-20091472
License Nos. E54726 and 024276

Dear Ms. Fox:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective June 16, 2010.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Consent Order.

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

Phone: (860) 509-7400
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