

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

Department of Public Health

Petition No. 2004-1021-011-021

vs.

Christopher Grigaitis, LPN, Lic. No. 024600
Respondent

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 dated February 1, 2005. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Christopher Grigaitis (hereinafter "respondent") which would subject respondent's licensed practical nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§19a-17 and 20-99(b).

The Board issued a Notice of Hearing dated February 3, 2005, scheduling a hearing for February 16, 2005. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against him. The Notice of Hearing and Statement of Charges were delivered by certified mail to respondent. Dept. Exh. 1.

The hearing took place on February 16, 2005, at the Hartford Hospital-Newington Campus, Curtis Building Amphitheater, 181 Patricia M. Genova Drive, Newington, Connecticut.

Respondent was present during the hearing. He was not represented by counsel. He answered the Statement of Charges orally during the hearing. Tr. pp. 16-19.

Also during the hearing, the Department moved to amend the Statement of Charges. The Board granted the motion. Tr. pp. 6-7.

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. Christopher Grigaitis of Enfield, Connecticut is, and has been at all times referenced in the Statement of Charges, the holder of Connecticut licensed practical license number 024600. Tr. pp. 16-17.

First Count

2. At all relevant times, respondent was employed as a licensed practical nurse at Fox Hill Center, Vernon, Connecticut. Tr. p. 17.
3. During July 2004-October 2004, while working as a licensed practical nurse at Fox Hill Center, respondent failed to completely, properly and/or accurately document medication records. Tr. p. 17.

Second Count

4. On June 18, 2003, the Board issued a Memorandum of Decision in Petition Number 2002-0710-011-031 ("the Decision") that placed respondent's licensed practical nurse license on probation for a period of four years. Such disciplinary action was based in part upon proof of respondent's admitted diversions of lorazepam, and failure to completely, properly and/or accurately document medical or facility records, and failure to properly deliver medications to patients.
5. Said Decision specifically provided that the Board shall:
 - a. pre-approve any change of employment for respondent within the nursing profession; and/or
 - b. be informed in writing prior to any change of employment. Tr. pp. 17-18.
6. Said Decision specifically provided that respondent's employer reports shall include documentation of his ability to safely and competently practice nursing. Tr. p. 18.
7. Respondent's employment at Fox Hill Center was terminated by the facility on or about October 20, 2004, for documentation errors. Tr. p. 19.

Conclusions of Law and Discussion

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

Christopher Grigaitis 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 provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a 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 his license as required by *Conn. Gen. Stat. §4-182(c)*.

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 2 OF THE FIRST COUNT of the Statement of Charges alleges that at all relevant times, respondent was employed as a licensed practical nurse at Fox Hill Center, Vernon, Connecticut.

PARAGRAPH 3 OF THE FIRST COUNT of the Statement of Charges alleges that during July 2004-October 2004, while working as a licensed practical nurse at Fox Hill Center, respondent failed to completely, properly and/or accurately document medication records.

PARAGRAPH 6 OF THE SECOND COUNT of the Statement of Charges alleges that on June 18, 2003, the Board issued a Decision that placed respondent's licensed practical nurse license on probation for a period of four years. Such disciplinary action was based in part upon proof of respondent's admitted diversions of lorazepam, and failure to completely, properly and/or accurately document medical or facility records, and failure to properly deliver medications to patients.

PARAGRAPH 7 OF THE SECOND COUNT of the Statement of Charges alleges that said Decision specifically provided that the Board shall:

- a. pre-approved any change of employment for respondent within the nursing profession; and/or
- b. be informed in writing prior to any change of employment.

PARAGRAPH 8 OF THE SECOND COUNT of the Statement of Charges alleges that said Decision specifically provided that respondent's employer reports shall include documentation of his ability to safely and competently practice nursing.

PARAGRAPH 9 OF THE SECOND COUNT of the Statement of Charges alleges that respondent's employment at Fox Hill Center was terminated by the facility on or about October 20, 2004, for documentation errors.

During the hearing of February 16, 2005, respondent admitted all the allegations. However, he contended that he had complied with the Decision, with the exception of nine times in which he failed to document dispensing medication. He further claimed that Fox Hill Center had a widespread problem with documentation, and that during a three day period in one month, there were 384 missing signatures, an average of 24 per nurse, and that such failures were due to the fact that there was insufficient staff. Furthermore, he claimed that Fox Hill Center's management maliciously fired him because he was on probation pursuant to the Decision, and that he requested additional help. The Board finds this testimony credible and persuasive. In addition, respondent provided a plan to ensure that his mistakes will not be made again.

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 carrying out usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraphs 2 through, and including 9 of the First and Second Counts of the Statement of Charges is proven by a preponderance of the evidence presented. However, given the particular circumstances of this case, the Board further concludes that said conduct does not constitute grounds for further disciplinary action pursuant to *Conn. Gen. Stat.* §§20-99(b) and 19a-17. Respondent is already on probation and will be monitored by the Board pursuant to the terms of the Memorandum of Decision which is already in place.

Order

Pursuant to its authority under *Conn. Gen. Stat.* §§19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

That the Memorandum of Decision in Petition Number 2002-0710-011-031 shall continue in full force and effect.

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

Dated at Hartford, Connecticut this 20 day of July 2005.

BOARD OF EXAMINERS FOR NURSING

By 