

Bertha Banks
9A South Street
Bethel, CT 06801

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

State of Connecticut
Department of Public Health
vs.
Bertha Banks, LPN
Licensed Practical Nurse License No. 024684
Respondent.

CASE PETITION NO. 941118-11-045

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 July 13, 1995 (Department Exhibit 1). The Statement of Charges alleged violations of Chapter 378 of the General Statutes of Connecticut by Bertha Banks (hereinafter the "Respondent") which would subject the Respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing dated July 26, 1995, scheduling a hearing for November 29, 1995 (Department Exhibit 1-B). The hearing scheduled for November 29, 1995 was continued due to the Respondent not being in attendance (Hearing Transcript, November 29, 1995). The hearing was rescheduled and took place on June 19, 1996, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut (Department Exhibit 3).

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.

FACTS

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

1. Bertha Banks, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 024684 on June 1, 1993. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-E)
2. Pursuant to the General Statutes of Connecticut, §4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all lawful requirements for the retention of her license. (Department Exhibit 1-A)
3. The Respondent was given due notice of the hearing. Department Exhibits 2 and 3 indicate that the Notice of Continuance of Formal Hearing was delivered to the Respondent's address of record by certified mail on April 30, 1996.
4. The Respondent was not present during the hearing and was not represented by counsel. (Hearing Transcript, June 19, 1996, p. 6)
5. On February 5, 1994, the Respondent was on duty as a licensed practical nurse on the 11:00 PM - 7:00 AM shift at Kent Health Care Center, Kent, Connecticut. (Department Exhibit 1-D20)
6. At approximately 3:30 AM on February 5, 1994, while working as a licensed practical nurse at Kent Health Care Center, the Respondent administered 1cc of Morphine Sulfate to patient Gertrude Wulbridge. Physician orders in effect on February 5, 1994, were for the patient to receive 1mg (.2cc) of Morphine Sulfate. The Respondent documented on the Medication Kardex that 1mg of Morphine Sulfate was administered to the patient. (Department Exhibit 1-D3, 6, 9, 20)

DISCUSSION AND CONCLUSIONS

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

Bertha Banks 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, §4-182 and §19a-17. The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the 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).

PARAGRAPH 3 of the Statement of Charges alleges on or about February 5, 1994, while working as a licensed practical nurse at Kent Health Care Center, Kent, the Respondent:

- a. administered an excess dose of morphine to patient, Gertrude Wulbridge; and/or,
- b. improperly documented this misadministration of morphine.”

The Respondent was not present at the hearing to answer this charge, therefore the Board deems this charge admitted pursuant to §19-2a-18 of the Regulations of Connecticut State Agencies.

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes “...(2) illegal conduct, incompetence or negligence in performing usual nursing functions...”

Based on its findings, the Board concludes that the Respondent’s conduct as alleged in Paragraph 3 of the Statement of Charges constitutes incompetence in performing usual nursing functions. The Board concludes Paragraph 3 of the Statement of Charges is proven and that said conduct constitutes a violation of the General Statutes of Connecticut §20-99(b)(2). Therefore, the Respondent 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:

1. That for Paragraph 3 of the Statement of Charges dated July 13, 1995, the Respondent's licensed practical nurse license, No. 024684, is placed on probation for a period of one (1) year.
2. If any of the following conditions of probation are not met, the Respondent's licensed practical nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - A. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by her employer(s), within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
 - B. Should the Respondent change employment as nurse during the probationary period, she shall provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board in writing, within thirty (30) days of commencement of employment, as to receipt of a copy of this Memorandum of Decision.
 - C. If employed as a nurse the Respondent shall cause bi-monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period. Bi-monthly employer reports are due on the first business day of January, March, May, July, September, and November. Employer reports shall commence with the report due on the first day of December 1, 1996.
 - D. The employer reports cited in Paragraph C above shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be issued to the Board at the address cited in Paragraph J below.

- E. Should the Respondent's employment as a nurse be voluntarily or involuntarily terminated, the Respondent's employer shall notify the Board, within seventy-two (72) hours, of such termination.
- F. During the one year probationary period, the Respondent at her expense shall successfully complete a course of study in medication administration. Said course shall be a minimum of sixteen (16) hours in length and must include direct supervision, by the course instructor, of medication administrations. Said course of study must be approved by the Board prior to commencement.
- G. Certification of successful completion of the course of study cited in F above shall be submitted to the Board, directly from the educational institution at which the course was taken or directly from the course instructor.
- H. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- I. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- J. All correspondence and reports are to be addressed to:

BOARD OF EXAMINERS FOR NURSING
DEPARTMENT OF PUBLIC HEALTH
LEGAL OFFICE - MONITORING & COMPLIANCE
410 Capitol Avenue, MS #12LEG
P. O. Box 340308
Hartford CT 06134-0308

- 4. Any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order. Any finding that the Respondent has

violated this Order will subject the Respondent 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 of Examiners for Nursing shall not be a waiver or preclude the Board's right to take subsequent action. The 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 the Respondent's address of record (most current address reported to the Department of Public Health, Division of Health Systems Regulation - Licensure and Registration Section, or the Board of Examiners for Nursing).

5. This Memorandum of Decision becomes effective, and the one (1) year probation of the Respondent's registered nurse license shall commence, on November 1, 1996.

The Board of Examiners for Nursing hereby informs the Respondent, Bertha Banks, and the State of Connecticut Department of Public Health, of this decision.

Dated at Hartford, Connecticut this 16th day of October, 1996.

BOARD OF EXAMINERS FOR NURSING

By Jancy H. Bland

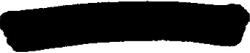


STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

December 1, 1998

Ms. Bertha Banks
150 Manhan Street, #2-5
Bethel, Connecticut 06801

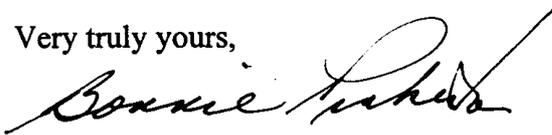
Re: Memorandum of Decision ^{LPN}
Petition No. 941118-11-045
License No. 024684


Dear Ms. Banks:

Please accept this letter as notice that you have completed the terms of your license probation, effective 12/1/98.

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.

Very truly yours,



Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: Debra Tomassone
Jan Wojick



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