

Laura Cisero
817 Main Street
Monroe, CT 06468

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

State of Connecticut
Department of Public Health

vs.

Laura Cisero, LPN
Licensed Practical Nurse License No. 025606
respondent.

CASE PETITION NO. ~~980729-011-023~~

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 December 17, 1998 (Dept. Exh. 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Laura Cisero (hereinafter "respondent") which would subject respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing dated December 23, 1998, scheduling a hearing for February 17, 1999. Dept. Exh. 1-B.

The hearing on February 17, 1999, was continued to March 17, 1999, to allow for the notice of hearing to be served on respondent. Department Exhibit 2 indicates that the Notice of Hearing was served on respondent by a Deputy Sheriff on March 6, 1999.

The hearing took place on March 17, 1999, in the Town Council Chambers, Wethersfield Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Tr., March 17, 1999, 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, 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. Respondent was issued Licensed Practical Nurse License Number 025606 on September 30, 1994. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-C.
2. Beginning on or about May 1998, respondent was working as a licensed practical nurse at the Lutheran Home, in Southbury, Connecticut. Dept. Exh. 1-B.
3. During May and June 1998, while working as a licensed practical nurse at the Lutheran Home, respondent diverted the medication Ultram and accompanying medication administration proof of use records. Dept. Exhs. 1-B, 3.
4. Respondent diverted the Ultram for the purpose of giving the medication to her husband. Dept. Exh. 3.

Conclusions of Law and Discussion

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

Respondent 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(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut 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 her license as required by the General Statutes of Connecticut §4-182(c).

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

PARAGRAPH 3 of the Statement of Charges alleges that in or about May 1998 and June 1998, while working as a licensed practical nurse at Lutheran Home, Southbury Connecticut, respondent:

- a. diverted Ultram;
- b. failed to completely, properly and/or accurately document medical records; and/or;
- c. falsified one or more controlled substance receipt records.

The Respondent did not submit an answer to the Statement of Charges. Section 19-9-20 of the Regulations of Connecticut State Agencies states that if no answer has been timely filed, the allegations shall be deemed admitted.

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 performing usual nursing functions . . . (6) fraud or material deception in the course of professional services or activities. . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraphs 3a and 3b of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2) and (6). Therefore, respondent's Licensed Practical Nurse License is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

With regard to Paragraph 3c of the Statement of Charges, the Board finds that the Department failed to present any evidence that controlled substance receipt records were falsified or in any way tampered with.

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, respondent is assessed a civil penalty in the amount of five hundred dollars (\$500.00).

- A. The \$500.00 civil penalty is due on or before December 31, 1999.
- B. Payment of the civil penalty shall be made by certified check payable to "Treasurer, State of Connecticut" and shall be sent to:

**DEPARTMENT OF PUBLIC HEALTH
BOARD OF EXAMINERS FOR NURSING**

410 Capitol Avenue, MS #13ADJ
P. O. Box 340308
Hartford CT 06134-0308

- 2. That for Paragraph 3 of the Statement of Charges, as found, respondent's Licensed Practical Nurse License, No. 025606, is placed on probation for a period of three (3) years.
- 3. If any of the following conditions of probation are not met, respondent's Licensed Practical Nurse License may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - A. During the period of probation the Board shall pre-approve respondent's employment or change of employment within the nursing profession.
 - B. 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 any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
 - C. Respondent shall not administer, count or have access to controlled substances, or have responsibility for such activities in the course of nursing duties during the first year of working as a nurse during the probationary period.
 - D. If employed as a nurse, respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period. Employer reports shall commence with the report due on the first business day of month following employment as a nursing.

- E. The employer reports cited in Paragraph D above shall include documentation of respondent's ability to safely and competently practice nursing. Respondent's immediate supervisor shall be submit said reports directly to the address cited in Paragraph I below.
- F. Should respondent's employment as a nurse be involuntarily terminated, respondent and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
- G. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- H. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- I. 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

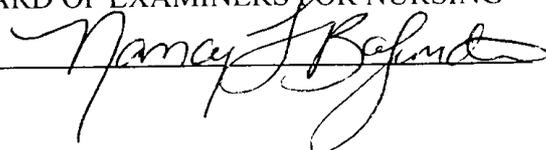
- 4. Any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, shall constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject 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 respondent's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health).
- 5. This Memorandum of Decision becomes effective, and the three (3) year probation of respondent's registered nurse license shall commence, on August 1, 1999.

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

Dated at Hartford, Connecticut this 21st day of July, 1999.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, appearing to read "Nancy J. Belmont", written over a horizontal line.