

Solveig Phillips  
210-B Brittany Farms  
New Britain, CT 06053

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

State of Connecticut  
Department of Public Health  
vs.  
Solveig Phillips, LPN  
Licensed Practical Nurse License No. 025715  
Respondent.

CASE PETITION NO. 970610-011-016

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 and Motion for Summary Suspension dated December 31, 1997 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Solveig Phillips (hereinafter the "Respondent") which would subject the Respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent presented a clear and immediate danger to public health and safety. On January 7, 1998, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Licensed Practical Nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges (Department Exhibit 1).

The Board issued a Notice of Hearing dated January 7, 1998, scheduling a hearing for February 18, 1998 (Department Exhibit 1).

The hearing began on February 18, 1998, in Conference Room I, Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut. The Respondent was present but was not represented by counsel. The Board offered the Respondent a continuance so as to obtain an attorney if she so desired. The Respondent declined the offer. (Hearing Transcript, February 18, 1998, pp. 3, 6-9)

The hearing concluded on March 18, 1998, in the Town Council Chambers, Wethersfield Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut

The Respondent verbally answered the Statement of Charges. Hearing Transcript, February 18, 1998, pp. 18-19)

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. The Respondent, was issued Licensed Practical Nurse License Number 025715 on April 7, 1995. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 2) (Answer: Hearing Transcript, February 18, 1998, p. 18)

2. On or about April 17, 1997, Susan Chaves was admitted as a patient on the south wing at Avon Health Center, Avon, Connecticut. Ms. Chaves admission diagnosis was anaplastic astrocytoma. Ms. Chaves was in a comatose state and her condition was terminal. (Department Exhibit 5, sealed)
3. Upon admission to Avon Health Center, Ms. Chaves was wearing a ring on her right hand. The ring, valued at \$600.00, contained a pear shaped emerald and two diamonds. (Hearing Transcript, February 18, 1998, pp. 24, 127) (Department Exhibit 10, p. 3, 5)
4. On April 18, 1997, Ms. Chaves was visited by her husband until approximately 10:30 - 11:00 PM. Ms. Chaves husband observed that the ring was intact during his visit. (Hearing Transcript, February 18, 1998, pp. 23-25)
5. On or about April 19, 1997, the Respondent was on duty as a licensed practical nurse on the south wing at Avon Health Center. The Respondent's shift began at approximately 11:00 PM on April 18, 1997. The Respondent's duties were that of a charge nurse, which required her to have possession of keys for the medication cart, narcotic drawer and medication room for the south wing. (Department Exhibit 10) (Hearing Transcript, February 18, 1998, pp. 49-50, 141)
6. The medication room on the south wing at Avon Health Center contained necessary supplies in addition to medications. Regulations of Connecticut State Agencies §21a-262-9 requires that medication rooms in nursing homes are to remain locked at all times. (Department Exhibit 7) (Hearing Transcript, February 18, 1998, pp. 50-51, 75, 82-83)
7. While on duty as the charge nurse on the south wing at Avon Health Center on April 19, 1997, the Respondent failed to keep the medication room locked at all times. (Answer: Hearing Transcript, February 18, 1998, p. 18)

8. At approximately 12:30 AM on April 19, 1997, the Respondent was observed sitting at Ms. Chaves bedside holding Ms. Chaves' right hand. The Respondent was the only person known to be alone with Ms. Chaves between approximately 11:45 PM and 1:15 AM. (Department Exhibit 10, pp. 28) (Hearing Transcript, February 18, 1998, pp. 113, 122)
9. At approximately 1:15 AM on April 19, 1997, Ms. Chaves was found without a pulse or respirations. Ms. Chaves was pronounced dead at approximately 1:40 AM. (Department Exhibits 5 and 10, p. 9)
10. Mr. Chaves was notified of his wife's death and returned to Avon Health Center. Mr. Chaves was approached by the Respondent who commented that Ms. Chaves was not wearing jewelry. Mr. Chaves knowing his wife was wearing jewelry proceeded to examine his wife's hands. Mr. Chaves discovered that the emerald stone of the ring on his wife's right hand was missing. It was subsequently determined that the two diamonds from the ring were also missing. A subsequent examination of the ring revealed gauge marks and that prongs which held the stones in place had been cut. (Department Exhibit 10) (Hearing Transcript, February 18, 1998, pp. 25-29, 96-97, 127-130)
11. On April 19, 1997, it was discovered that a surgical staple remover was missing from the medication room on the south wing of Avon Health Center. The staple remover was removed from the medication room sometime after 12:00 AM on April 19, 1997. There were no patients at that time who required removal of surgical staples. (Department Exhibit 10, p. 27) (Hearing Transcript, February 18, 1998, pp. 55-56, 77)
12. It was determined that the gauge marks on Ms. Chaves' ring were made by a surgical staple remover. (Department Exhibit 10, p. 27) (Hearing Transcript, February 18, 1998, pp. 130-131)

13. On June 3, 1997, the Respondent was arrested and charged with larceny in the fourth degree for the theft of the stones from Ms. Chaves' ring. On August 26, 1997, the Respondent signed a Superior Court application requesting Accelerated Pretrial Rehabilitation. The Respondent signed the application falsely indicating she had never had Accelerated Pretrial Rehabilitation invoked on her behalf. On September 25, 1997, the Respondent was convicted of making a false statement. The Respondent was ordered to serve one year in jail, execution suspended, and placed on probation for two years with an order to pay restitution to Ms. Chaves in the amount of \$600.00. (Department Exhibits 3, 9, 11) (Hearing Transcript, February 18, 1998, pp. 114-120)

### **DISCUSSION AND CONCLUSIONS**

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

Solveig Phillips 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 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).

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

PARAGRAPH 2 of the Statement of Charges alleges that on or about April 19, 1997, while working at Avon Health Center, Avon, Connecticut, the Respondent:

- "a. attempted to remove a gemstone ring from the finger of Susan Chaves, a patient at Avon Health Center; and/or,
- b. removed the gemstones from the patient's ring."

The Respondent denies these charges. (Answer: Hearing Transcript, February 18, 1998, p. 18)

The Board concludes that there exists ample and credible evidence that while working as a licensed practical nurse at Avon Health Center, Avon, Connecticut, the Respondent attempted to remove the ring from the finger of patient Susan Chaves. The Board further concludes that when this attempt failed the Respondent removed the gem stones from the ring.

PARAGRAPH 3 of the Statement of Charges alleges that on or about April 19, 1997, while working at Avon Health Center, Avon, Connecticut, the Respondent failed to secure the medication room at Avon Health Center, leaving the door unlocked.

The Respondent admits this charge. (Answer: Hearing Transcript, February 18, 1998, p. 18)

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 Paragraphs 2 and 3 of the Statement of Charges is proven by a preponderance of the evidence presented in this matter. The Board further concludes that the Respondent's conduct fails to conform to the accepted standards of the nursing profession and constitutes violations 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:

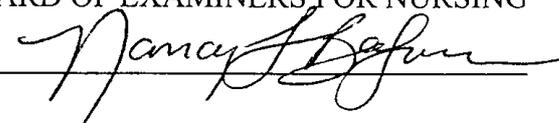
1. That for Paragraphs 2 and 3 of the Statement of Charges, the Respondent's licensed practical nurse license, No. 025715, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

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

Dated at Hartford, Connecticut this 19th day of August 1998.

BOARD OF EXAMINERS FOR NURSING

By

  
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