

STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

Department of Public Health

Petition No. 2006-0505-011-014

vs.

Tania Thomas LPN, Lic. No. 027884

**MEMORANDUM OF DECISION**

Respondent

*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 September 5, 2006. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Tania Thomas (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).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent’s continued nursing practice presented a clear and immediate danger to public health and safety. On September 20, 2006, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent’s licensed practical nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated September 20, 2006, scheduling a hearing for October 4, 2006. Dept. Exh. 1.

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

The hearing took place on October 4 and December 6, 2006, at in Room 1-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the on October 4, 2006.

Respondent was not present during the hearing on December 6, 2006 despite being informed of the continued hearing on October 4, 2006 (a Notice of Hearing being mailed to her address of record by first class mail , and was not represented by counsel. Tr. 10/4/06, p. 2; Tr. 12/06/06, pp.2, 4-5.

Respondent did not submit an Answer to the Statement of Charges. Tr.10/04/06, pp. 1-16; Tr. 12/06/06, p. 1-5.

On December 6, 2006, the Department moved to Deem the Allegations admitted. The Board granted the motion. Tr. 12/6/2006, pp.5-6.

### **Findings of Fact**

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

1. Tania Thomas, L.P.N. of New London, Connecticut is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nurse license number 027884. Dept. Exh. 4; Tr. 12/6/2006, pp. 5-6.
2. On February 17, 2006, respondent was convicted of three counts of assault as a result of attacking another person on November 2005. The other person suffered numerous injuries when respondent completely bit off the right portion of her nose and a  $\frac{3}{4}$  inch section of her cheek. Respondent also stabbed the other person with a set of keys in the back of her head and pulled out clumps of her hair, causing her to sustain approximately eight lacerations to the back of her head. Dept. Exhs. 2 and 3.

### ***Conclusions of Law and Discussion***

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

Tania Thomas 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 1** of the Statement of Charges alleges that Tania Thomas, L.P.N. of New London, Connecticut is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nurse license number 027884.

**PARAGRAPH 2** of the Statement of Charges alleges that on February 17, 2006, respondent was convicted of three counts of assault as a result of attacking another person in November 2005. The other person sustained numerous injuries when respondent completely bit off the right portion of her nose and a  $\frac{3}{4}$  inch section of her cheek. Respondent also stabbed the other person with a set of keys in the back of her head and pulled out clumps of her hair, causing her to sustain approximately eight lacerations to the back of her head.

Respondent did not submit an Answer to the Statement of Charges. Pursuant to § 19a-9-20 of the Regulations of Connecticut State Agencies the Board deems the allegations contained in the Statement of Charges to be 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: (1) Fraud or material deception in procuring or attempting to procure a license to practice nursing; (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (3) physical illness or loss of motor skill, including but not limited to deterioration through the aging process; (4) emotional disorder or mental illness;. (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; (6) fraud or material deception in the course of professional services or activities; (7) willful falsification of entries in any hospital, patient or other record pertaining to drugs, the result of which are detrimental to the health of a patient and (8) conviction of the violation of any of the provisions of this chapter by any court of criminal jurisdiction.

Based on its findings, the Board concludes that respondent's conduct as alleged in all the Paragraphs of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§20-99(b) and 19a-17.

***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 for all the Paragraphs of the Statement of Charges, respondent's licensed practical nurse license number 027884, is revoked effective the date this Memorandum of Decision is signed by the Board.

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

Dated at Newington, Connecticut this 7th day of February 2007.

BOARD OF EXAMINERS FOR NURSING

By Joan Dolibius, CNA, APRN