

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

Tina M. Nugent, L.P.N.
License No. 028969

Petition No. 2011-984

MEMORANDUM OF DECISION
Procedural Background

On July 25, 2012, the Department of Public Health ("the Department") filed a Statement of Charges ("Charges") with the Board of Examiners for Nursing ("Board"). Board ("Bd.") Exhibit ("Exh.") 1. The Charges allege violations of certain provisions of Chapter 378 of the Connecticut General Statutes ("Statutes") by Tina M. Nugent ("Respondent") which would subject Respondent's licensed practical nurse license to disciplinary action pursuant to §§ 19a-17 and 20-99(b) of the Statutes.

Respondent's address of record is 57 Bassett Street, FL3, New Haven, CT 06511-1832. Bd. Exh. 2; Transcript ("Tr.") pp. 3-5.

On September 19, 2012, the Charges and a Notice of Hearing ("Notice") were sent to Respondent's address of record by certified and first class mail. Bd. Exh. 2. The electronic track and confirm receipt for the certified mail was returned by the United States Postal Service ("USPS"). The certified mail receipt was signed by someone else named "Joann Angell." Bd. Exh. 3; Tr., p. 5. The first class mail sent to the Bassett Street address was not returned. Tr., p. 6.

The hearing was held on December 5, 2012. Respondent was neither present nor represented during the hearing. Tr., pp. 2-3. Attorney Joelle Newton represented the Department. Tr., p. 2.

Respondent did not file an Answer to Charges. Tr., p. 7. During the hearing, the Department orally moved to deem the allegations admitted. Tr., pp. 6-7. The Board granted the Department's Motion. Tr., pp. 6-7. Following the close of the record, the Board conducted fact finding.

Each member of the Board involved in this decision attests that 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. The Board

relied on the training and experience of its members in making its findings of fact and conclusions of law. *Pet v. Department of Health Services*, 228 Conn. 651 (1994).

Allegations

1. In paragraph one of the Charges, the Department alleges that Respondent of New Haven, Connecticut, is, and has been at all times referenced in the Charges, the holder of Connecticut licensed practical nurse license number 028969.
2. In paragraph two of the Charges, the Department alleges that at all relevant times, Respondent was employed as a licensed practical nurse at University Skilled Nursing and Rehabilitation Center of New Haven, Connecticut.
3. In paragraph three of the Charges, the Department alleges that during the course of approximately August 2010 through December 2011, Respondent inappropriately administered and/or documented the administration of narcotic medications.
4. In paragraph four of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to § 20-99 of the Statutes, including but not limited to § 20-99(b)(2).

Findings of Fact

1. The Department provided Respondent with reasonable and adequate written notice of the hearing and the allegations contained in the Charges. Bd. Exhs. 2-5; Tr., pp. 3-6.
2. Respondent did not file an Answer. Tr., p. 7.
3. The factual allegations contained in paragraphs one through four of the Charges are deemed admitted and true. Tr., pp. 6-7.

Discussion and Conclusions of Law

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Goldstar Medical Services, Inc., et al. v. Department of Social Services*, 288 Conn. 790, 821 (2008). The Department sustained its burden of proof with regard to the allegations in the Charges.

Section 20-99 of the Statutes provides, in pertinent part, that:

(a) The Board . . . 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; (6) fraud or material deception in the course of professional services or activities; . . .

Since Respondent did not file an Answer, the allegations are deemed admitted. §19a-9-20 of the Regulations. In this case, the Department established by a preponderance of the allegations deemed admitted that from approximately August 2010 through December 2011 Respondent inappropriately administered and/or documented the administration of narcotic medications. Dept. Exh. 1, pp. 2, 6-10, 14-17. Thus, the Board concludes that Respondent's conduct as alleged in paragraphs one through four of the Charges and deemed to be admitted and true, constitutes grounds for disciplinary action pursuant to §§ 20-99(b) and 19a-17 of the Statutes. However, the Board finds that Respondent can practice nursing with reasonable skill and safety under the terms of this Order.

Order

Based on the record in this case, the above findings of fact and conclusions of law, the Board hereby orders, with respect to licensed practical nurse (LPN) license number 028969 held by Tina M. Nugent, as follows:

1. Respondent's license shall be suspended for a period of three months. All three originals of Respondent's license shall be provided to the Department within ten days of the effective date of this Order.
2. Following said suspension, Respondent's license shall be placed on probation for a period of one year under the following terms and conditions. If any of the conditions of probation are not met, Respondent's LPN license may be subject to disciplinary action pursuant to §19a-17 of the Statutes.
 - A. During the period of probation, the Board shall pre-approve Respondent's employment and/or change of employment within the nursing profession.
 - B. Respondent shall not be employed as an LPN for a personnel provider service, assisted living services agency, homemaker-home health aide agency, or home

health care agency, and shall not be self-employed as an LPN for the entire probationary period.

- C. Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as an LPN during the probationary period. The Board shall be notified in writing by any employer(s), within 30 days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
- D. During the first three months of the probationary period, Respondent at her expense, shall successfully complete a course in medication administration and documentation pre-approved by the Board. Respondent shall provide proof to the satisfaction of the Board of her successful completion of the course within 30 days of completion.
- E. During the first three months of the probationary period, Respondent shall complete 40 hours of one-on-one supervised medication administration. Certification of successful completion of the supervised medication administration shall be submitted to the Board at the address cited in Paragraph L below.
- F. Respondent shall not be permitted to administer medication independently until she has completed the course work and one-on-one medication administration described above.
- G. If employed as an LPN, Respondent shall cause employer reports to be submitted to the Board, by her immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of the month following employment as a nurse. Employer reports shall be submitted monthly during the probationary period.
- H. The employer reports cited in Paragraph G above shall include documentation of Respondent's ability to safely and competently practice nursing. Employer

reports shall be submitted directly to the Board at the address cited in Paragraph L below.

- I. Should Respondent's employment as an LPN be involuntarily terminated or suspended, Respondent and her employer shall notify the Board within 72 hours of such termination or suspension.
- J. If Respondent pursues further training in any subject area that is regulated by the Department, Respondent shall provide a copy of this Memorandum of Decision to the educational institution or, if not an institution, to Respondent's instructor. Such institution or instructor shall notify the Department in writing as to receipt of a copy of this Memorandum of Decision within 15 days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph L below.
- K. The Board must be informed in writing prior to any change of address.
- L. All communications, payments if required, correspondence, and reports are to be addressed to:

Bonnie Pinkerton, RN, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
Board of Examiners for Nursing
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford CT 06134-0308

- 3. Any deviation from the terms of probation, without prior written approval by the Board, 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 Statutes, including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take subsequent action. The Board 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 Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department).

4. This Memorandum of Decision becomes effective on the date signed by the Board.

The Board hereby informs Respondent, Tina Nugent, and the Department of this decision.

Dated at Hartford, Connecticut this 15th day of May, 2013.

BOARD OF EXAMINERS FOR NURSING

By Patricia C Bouffard, D.N.Sc.

Patricia C. Bouffard, D.N.Sc., Chairperson

CERTIFICATION

I hereby certify that, pursuant to Connecticut General Statutes Section 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 15th day of May 2013 by certified mail return receipt requested mail and first class mail to:

Tina M. Nugent, LPN
57 Bassett Street, FL 3
New Haven CT 06511-1832

and E-Mail to:

Matthew Antonetti, Principal Attorney
Office of Licensure Regulation and Compliance
Department of Public Health
410 Capitol Avenue – MS#12LEG
P. O. Box 340308
Hartford CT 061343-0308



Janice E. Wojick, Administrative Assistant/Board Liaison



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Certified Mail – 7004 1350 0004 4483 2568

August 23, 2013

Tina Nugent, LPN
57 Bassett Street, FL 3
New Haven, CT 06511-1832

Re: Memorandum of Decision
Petition No. 2011-984
License No. 028969

Dear Ms. Nugent:

Please accept this letter as notice that effective August 15, 2013, your license suspension ended and your one-year license probation commenced.

Employment: Paragraph 2A of the Memorandum of Decision states that during your license probation, the Board shall pre-approve your employment and/or change of employment within the nursing profession.

Prior to accepting nursing employment, please submit to my attention the name of the facility, your job title and nursing duties, hours/days worked, and the name and telephone number of your supervisor.

Please remember that pursuant to paragraph 2B of the Memorandum of Decision, during your license probation, you may not be self-employed as a nurse, or employed as a nurse for a personnel provider service, assisted living services agency, homemaker-home health aide agency, or home health care agency.

Employer Reports: Paragraph 2G of the Memorandum of Decision states that if you are employed as an LPN, it is your responsibility to have your supervisor submit monthly reports to the Department. Enclosed are two copies of the form your supervisor is asked to use for such reports. Please keep one copy for your personal file, provide the other to your supervisor, and make additional copies as necessary. The first Employer Report is due one month after you commence the practice of nursing.

PLEASE NOTE: Neither you nor anyone else who is not your nursing supervisor may fill out any portion whatsoever of the Employer Report. Your supervisor alone must complete and sign the entire report.



Phone: (860) 509-7400
Telephone Device for the Deaf (860) 509-7191
410 Capitol Avenue - MS # 12HSR
P.O. Box 340308 Hartford, CT 06134
An Equal Opportunity Employer

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Coursework: Paragraph 2D of the Memorandum of Decision calls for you to successfully complete coursework in "Medication Administration and Documentation." Coursework must be pre-approved by the Department, and completed on or before November 15, 2013.

Enclosed is a list of resources that might be helpful to you in finding appropriate courses. Please submit a written description of each the courses you propose taking to fulfill this requirement. You will be notified of whether the Department approves of your proposed coursework.

Please remember to provide the Department with documented proof of having completed the required coursework within thirty (30) days of your doing so.

One-on-One Supervised Medication Administration: Pursuant to paragraph 2E of the Memorandum of Decision, you must complete forty (40) hours of supervised one-on-one medication administration on or before November 15, 2013. Certification of successful completion of the supervised medication administration must be submitted to the Department promptly upon your completion of this requirement.

Change of Employment/Name/Address/Phone Number: Please provide this office with prompt notice of any changes.

Thank you for your anticipated cooperation during this process. If you have any questions at any time, do not hesitate to contact me at (860) 509-7651, or bonnie.pinkerton@ct.gov.

Very truly yours,

Bonnie Pinkerton

Bonnie Pinkerton, RN, Nurse Consultant
Practitioner Licensing and Investigations Section

enc.: Nursing Courses List

cc: First Class Mail
J. Filippone
J. Wojick