

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

Department of Public Health

Petition No. 2006-1018-011-036

vs.

Michelle Shedd LPN, Lic. No. 031587

**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 November 1, 2006. Dept. Exh. 3. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Michelle Shedd (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 November 15, 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. 3.

The Board issued a Notice of Hearing dated November 15, 2006, scheduling a hearing for December 6, 2006. Dept. Exh. 3.

Respondent was provided notice of the hearing and charges against her. The Summary Suspension Order, Notice of Hearing and Statement of Charges were served at respondent’s residence by State Marshal on November 19, 2006. Dept. Exh. 1.

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

Respondent was not present during the hearing and was not represented by counsel. Tr., p. 2.

Respondent did not submit an Answer to the Statement of Charges. Tr.10/04/06, pp. 1-6.

During the hearing, the Department moved to Deem the Allegations admitted. Dept. Exh. 1. The Board granted the motion. Tr. 12/6/2006, p. 4.

### *Findings of Fact*

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

1. Michelle Shedd, L.P.N. of Waterbury, Connecticut is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nurse license number 031587. Dept. Exh. 2-C; Tr. p. 4.
2. At all relevant times, respondent was employed as a licensed practical nurse at The Summitt at Plantsville (“the Summitt”) in Plantsville, Connecticut. Dept. Exh. 2-C; Tr. p. 4.
3. From approximately June 2006 through August 2006, while working as a license practical nurse at the Summitt, respondent:
  - a. diverted Vicodin, Dilaudid and fentanyl from patient stock;
  - b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
  - c. falsified one or more Controlled Substance Receipt Records.
4. From approximately June 2006 through August 2006, respondent abused or utilized to excess Vicodin, Dilaudid and fentanyl.
5. Respondent’s abuse of Vicodin, Dilaudid and fentanyl does, and/or may, affect her practice as a licensed practical nurse.
6. On or about July 25, 26, 27, and 28, 2006, respondent failed to perform the ordered daily change of the dressing at the dialysis site of Patient #1. She also falsely charted that she had completed said daily dressing change.
7. On or about July31, 2006, while working from 7:00 a.m. to 11:00 p.m., respondent failed to document having measured any blood sugar levels or having administered any insulin injections, as required by the facility’s standing order.

### *Conclusions of Law and Discussion*

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

Michelle Shedd 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 Michelle Shedd, L.P.N. of Waterbury, Connecticut is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nurse license number 031587.

**PARAGRAPH 2** of the Statement of Charges alleges that at all relevant times, respondent was employed as a licensed practical nurse license at the Summitt.

**PARAGRAPH 3** of the Statement of Charges alleges that from approximately June 2006 through August 2006, while working as a licensed practical nurse at the Summitt, respondent:

- a. diverted Vicodin, Dilaudid and fentanyl from patient stock;
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
- c. falsified one or more Controlled Substance Receipt Records.

**PARAGRAPH 4** of the Statement of Charges alleges that from approximately June 2006 through August 2006, respondent abused or utilized to excess Vicodin, Dilaudid and fentanyl.

**PARAGRAPH 5** of the Statement of Charges alleges that respondent's abuse of Vicodin, Dilaudid, and fentanyl does, and/or may, affect her practice as a licensed practical nurse.

**PARAGRAPH 8** of the Statement of Charges alleges that on or about July 25, 26, 27, and 28, 2006, respondent failed to perform the ordered daily change of the dressing at the dialysis site of Patient #1. She also falsely charted that she had completed said daily dressing change.

**PARAGRAPH 9** of the Statement of Charges alleges that on or about July 31, 2006, while working from 7:00 a.m. to 11:00 p.m., respondent failed to document having measured any blood sugar levels or having administered any insulin injections, as required by the facility's standing orders.

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: . . . ; (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; . . . ; (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 . . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in all the Paragraphs of the Statement of Charges is deemed admitted. 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 031587, is revoked effective the date this Memorandum of Decision is signed by the Board.

The Board of Examiners for Nursing hereby informs respondent, Michelle Shedd, 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 Jamir Bahudo<sup>ew</sup>