11-032525

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH

In Re: Gita Aggarwal, LPN Petition No. Petition No. 2008-0211-011-011

CONSENT ORDER

WHEREAS, Gita Aggarwal (hereinafter "respondent") of Waterbury, Connecticut has been issued license number 032525 to practice as a practical nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits and acknowledges that:

1. On June 21, 2007, while working as a nurse at Haven Health Center, a skilled nursing facility located in Waterbury, CT, respondent administered medications to a resident that were pre-poured by another nurse. She gave the medications to the wrong resident.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99(b)(2).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above admitted violation or allegation at a hearing in front of the Board of Examiners for Nursing (hereinafter "the Board"), respondent agrees that this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(a) of the General Statutes of Connecticut.

2

NOW THEREFORE, pursuant to §19a-17 and §20-99(a) of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to her profession.
3. Respondent's license number 032525 to practice as a practical nurse in the State of Connecticut is hereby placed on probation for one (1) year subject to the following terms and conditions:
   A. Respondent shall provide a copy of this Consent Order to all current and future employers for the duration of her probation.
   B. Respondent shall have a registered nurse, assigned by respondent's Director of Nursing, to observe respondent pass medications to three (3) to five (5) residents at least one time per week for the entire period of probation.
   C. During the period of probation, respondent shall be responsible for the provision of monthly written reports directly to the Board and the Department from her nursing supervisor (i.e., Director of Nursing). Employers reports shall state whether the observed medication passes set forth in paragraph 3B were performed with reasonable skill and safety. If respondent's nursing supervisor reports that such procedures were not performed with reasonable skill and safety, such report shall be deemed a violation of this Consent Order. Employer reports shall also include documentation of respondent's ability to safely and competently practice nursing, and shall be issued to the Board and the Department at the address cited in paragraph 3H below.

D. Respondent shall not be employed as a nurse 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 a nurse for the period of her probation.

E. Respondent shall notify the Board and the Department in writing of any change of employment within fifteen (15) days of such change.

F. Respondent shall notify the Board and the Department of any change in her home or business address within fifteen (15) days of such change.

G. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.

H. All correspondence and reports shall be addressed to:

Bonnie Pinkerton
Department of Public Health
Practitioner Licensing and Investigations
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

4. Any violation of the terms of this Consent Order without prior written approval by the Board shall constitute grounds for the Department to seek revocation of respondent's nursing license following notice and an opportunity to be heard.

5. 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 action at a later time. The Board shall not be required to grant future extensions of time or grace periods.

6. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.

7. This Consent Order is effective on the first day of the month immediately following the month in which this Consent Order is approved and accepted by the Board.

8. Respondent understands this Consent Order is a matter of public record.

9. Respondent understands this Consent Order may be considered as evidence of the above-admitted violations in any proceeding before the Board in which (1) her compliance with this same Consent Order is at issue, or (2) her compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order, except for a civil penalty, shall be reported to the National Practitioner Data Bank

10. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Board.

11. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that respondent may have under the laws of the State of Connecticut or of the United States.

12. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. The Department and respondent understand that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.

13. This Consent Order is a revocable offer of settlement, which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.

14. Respondent has had the opportunity to consult with an attorney prior to signing this document.

15. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

16. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Gita Aggarwal, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Gita Aggarwal

Gita Aggarwal

Subscribed and sworn to before me this 26th day of September, 2008.

BEVERLY GROHS
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2010

Beverly Grohs

Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 2nd day of October, 2008, it is hereby accepted.

Jennifer Filippone

Jennifer Filippone, Section Chief,
Practitioner Licensing and Investigations
Healthcare Systems Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 15th day of October, 2008, it is hereby ordered and accepted.

BY: Patricia C Buff

Connecticut Board of Examiners for Nursing

RAS/Aggarwal/legal/CO/72908

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

November 5, 2009

Gita Aggarwal, LPN
7 Mark Lane
Apt. #23
Waterbury, CT 06704

Re: Consent Order
Petition No. 2008-0211-011-011
License No. 032525

Dear Ms. Aggarwal:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective November 1, 2009.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Consent Order.

Please be certain to retain a copy of this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process, and good luck to you in the future.

Very truly yours,

Bonnie Pinkerton

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

cc: J. Filippone
J. Wojick

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