

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH**

In re: Jacqueline Liscio, L.P.N.

Petition No. 2010-5757

MEMORANDUM OF DECISION

Procedural Background

On July 22, 2011, the Department of Public Health ("the Department") filed a Statement of Charges with the Board of Examiners for Nursing ("the Board"). Board Exh. 2. The Charges allege violations of certain provisions of Chapter 378 of the General Statutes ("the Statutes") by Jacqueline Liscio ("respondent") which would subject respondent's licensed practical nurse license to disciplinary action pursuant to §§19a-17 and 20-99(b) of the Statutes.

On August 17, 2011, the Charges and a Notice of Hearing were sent to respondent via first class and certified mail. Board Exh. 1.

The hearing was held on September 21, 2011; respondent orally answered the Charges on the record. Respondent appeared *pro se*; Attorney Linda Fazzina represented the Department.

Following the close of the record on September 21, 2011, the Board conducted fact-finding.

Each member of the Board involved in the decision attests that he/she was present at the hearing or has reviewed the record, and that his decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Allegations

1. In paragraph one of the Charges, the Department alleges that respondent is and has been at all times referenced, the holder of Connecticut licensed practical nurse license number 032756.
2. In paragraph two of the Charges, the Department alleges that at all relevant times, respondent was employed as a nurse at Masonicare of Newtown, Connecticut ("Masonicare").
3. In paragraph three of the Charges, the Department alleges that on or about October 26, 2010, while working as a nurse at Masonicare, respondent:
 - a. diverted Alprazolam; and/or
 - b. failed to completely, properly and/or accurately document medical or hospital records.

4. In paragraph four of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99, including, but not limited to:
 - a. §20-99(b)(2); and/or
 - b. §20-99(b)(6)

Findings of Fact

1. On October 26, 2010, respondent was employed as a nurse at Masonicare. Tr., p. 4.
2. On October 26, 2010, while working as a nurse at Masonicare, respondent had the keys to the narcotics drawer. Respondent diverted a .25mg tablet of Alprazolam from patient JB and gave it to LPN Kelly Mayerhofer because Ms. Mayerhofer appeared to be having an anxiety attack. Tr., p. 4; Dept. Exh. 1, p. 4.
3. On or about October 26, 2010, respondent failed to completely, properly and accurately document the use of the Alprazolam tablet in medical or hospital records. Tr., p. 4; Dept. Exh. 1, p. 4.
4. On September 21, 2011, respondent orally admitted the factual allegations in paragraphs one through three. Tr., p. 4.

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 (2008); *Steadman v. Securities and Exchange Commission*, 450 U.S. 91, 101 S. Ct. 999, *reh'g denied*, 451 U.S. 933 (1981); *Swiller v. Commissioner of Public Health*, CV 950705601, Superior Court, J.D. Hartford/New Britain at Hartford, Memorandum filed October 10, 1995. The Department sustained its burden of proof with regard to the allegations contained in paragraphs 1-4 of the Charges.

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

- (a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fail 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....

Respondent admitted that on October 26, 2010, while working as a nurse at Masonicare, she diverted Alprazolam and failed to completely, properly and accurately document medical or hospital records. Respondent's diversion of Alprazolam constitutes illegal conduct in violation of §20-99(b)(2) of the Statutes and material deception in the course of professional activities in violation of §20-99(b)(6) of the Statutes. Respondent's failure to completely, properly and accurately document medical or hospital records constitutes negligence in carrying out usual nursing functions in violation of §20-99(b)(2) of the Statutes.

The Board concluded that respondent's conduct, as alleged in paragraph one through three of the Charges is proven by a preponderance of the evidence and that such conduct constitutes grounds for disciplinary action pursuant to §§19a-17 and 20-99(b)(2) and (6) of the Statutes.

Order

Based on the record in this case, the above findings of fact and conclusions of law, the Board hereby orders, with respect to license number 032756 held by Jacqueline Liscio as follows:

- A. Respondent's license shall be placed on probation for a period of six (6) months under the following terms and conditions. If any of the conditions of probation are not met, respondent's licensed practical nurse license may be subject to disciplinary action pursuant to §19a-17 of the Statutes.
- B. 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 probation.
- C. Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
- D. If employed as a nurse, 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 entire term of probation.

- E. The employer reports cited in paragraph D 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 I below.
- F. Should respondent's employment as a nurse be involuntarily terminated or suspended, respondent and his employer shall notify the Board within seventy-two (72) hours of such termination or suspension.
- G. During the probationary period, respondent, at her own expense, shall successfully complete courses in professional ethics and medication administration, pre-approved by the Board. Within thirty days of completion of the course, respondent shall provide proof to the satisfaction of the Board and the Department of her successful completion of the courses.
- H. The Board must be informed in writing prior to any change of address.
- I. All communications, payments if required, correspondence, and reports are to be addressed to:

Bonnie Pinkerton, RN, Nurse Consultant
Department of Public Health
Healthcare Quality and Safety Branch
Board of Examiners for Nursing
410 Capitol Avenue, MS#12HSR
P.O. Box 340308
Hartford, CT 06134-0308

- J. Any deviation from the terms of probation without any prior approval by the Board, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating the Order. Any finding that respondent has violated the 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 Office of Practitioner Licensing and Certification of the Department of Public Health or the Board).

K. This Memorandum of Decision becomes effective, and the six-month probation of licensed practical nurse license number 032756 shall commence on March 1, 2012.

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

Dated at Hartford, Connecticut this 1st day of February, 2012

BOARD OF EXAMINERS FOR NURSING

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

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

CERTIFICATION

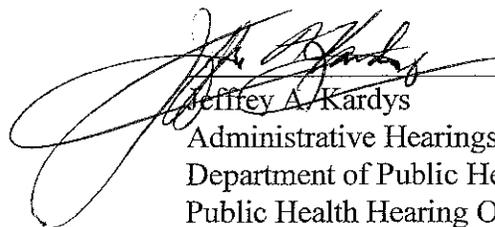
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 2nd day of February 2012, by certified mail, return receipt requested and first class mail to:

Jacqueline Liscio
4 Eddie Road
Trumbull, CT 065611

Certified Mail 91-7108-2133-3936-6420-2518

and via email to:

Matthew Antonetti, Principal Attorney
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134-0308



Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Department of Public Health
Public Health Hearing Office



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

September 5, 2012

Jacqueline Liscio, LPN
4 Eddie Road
Trumbull, CT 06611

Re: Memorandum of Decision
Petition No. 2010-5757
License No. 032756

Dear Ms. Liscio:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective September 1, 2012.

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

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, RN, Nurse Consultant
Practitioner Licensing and Investigations Section

cc: J. Filippone
J. Wojick



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