

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
HEALTHCARE SYSTEMS BRANCH**

In Re: Diane Petroski, APRN  
Diane Petroski, RN

Petition No. 2010-297  
Petition No. 2010-298

**CONSENT ORDER**

WHEREAS, Diane Petroski (hereinafter "respondent") of Manchester, Connecticut has been issued advanced practice registered nurse license number 000234 and registered nurse license number E31166 by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the respondent admits and acknowledges that:

1. At all relevant times, respondent's licenses are subject to probation under a Consent Order in Petition Numbers 2007-0323-012-005 and 2007-0323-010-020, which initially placed respondent's R.N. and A.P.R.N. licenses on suspension followed by four years of probation, effective August 8, 2008.
2. Said Consent Order provides "respondent shall not practice as a nurse anesthetist except in a hospital setting."
3. On March 4, 2010, while employed as a circulating nurse at an outpatient surgical facility, respondent administered anesthesia when she administered intravenous Versed, Ketamine, and Propofol to a patient undergoing elective surgery.
4. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99(b), including but not limited to §20-99(b)(2).

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WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations at a hearing in front of the Board of Examiners for Nursing (hereinafter "the Board") but does not admit to having violated any statute or regulation, including but not limited to §20-99(b) of the General Statutes of Connecticut. Respondent further 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.

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 advanced practice registered nurse license number 000234 and registered nurse license number E31166 are each hereby reprimanded.
4. Respondent shall pay a civil penalty of seventy-five hundred dollars (\$7,500.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Numbers on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
5. Respondent shall provide a copy of this Consent Order to all current and future employers for the duration of her probation under Petition Numbers 2007-0323-012-005 and 2007-0323-010-020.

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 shall be deemed 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 shall be reported to the National Practitioner Data Bank
10. 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. Respondent understands that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. 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.
11. 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.

12. 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.
13. Respondent has had the opportunity to consult with an attorney prior to signing this document.
14. 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. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
15. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Diane Petroski, 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.

Diane M. Petroski  
Diane Petroski

Subscribed and sworn to before me this 17<sup>TH</sup> day of SEPT., 2010.

[Signature]

Notary Public or person authorized

by law to administer an oath or affirmation  
My Commission Expires 2/28/2013

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 1<sup>st</sup> day of November, 2010, 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 17<sup>th</sup> day of November, 2010, it is hereby ordered and accepted.

BY: Pamela C. Buffal  
Connecticut Board of Examiners for Nursing

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