

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: Paula Cate, L.N.M.

Petition No. 990223-016-001

CONSENT ORDER

WHEREAS, Paula Cate of New Haven (hereinafter "respondent") has been issued license number 000080 to practice licensed nurse midwifery by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 377 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. On or about September 23, 1995 respondent provided prenatal care to a pregnant patient, M.B.
2. M.B. was admitted to a hospital and placed on an external fetal monitor. M.B. was taken off the external fetal monitor for approximately one hour while she was in the shower. During the time M.B. was in the shower, there was no fetal heart rate monitoring. About one and one-half hours after M.B. was admitted, there was a fetal heart rate deceleration and meconium was noted in the amniotic fluid.
3. The fetal heart rate continued to fluctuate for approximately two hours before a physician was notified. M.B. gave birth to a baby girl following a cesarean section delivery. The baby died after being removed from a respirator at the request of the parents.

4. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-86f.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before a hearing officer designated by the Commissioner (hereinafter "the Department"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and 19a-180 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-180 and 19a-17 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's license shall be placed on probation for a period of four (4) years under the following terms and conditions:
 - a. Respondent shall provide her employer at each place where respondent practices as a licensed nurse midwife throughout the probationary period, with a copy of this Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of employment at a new facility. Respondent agrees to provide reports from such employer monthly for the duration of the probationary period, stating that respondent is practicing with reasonable skill and safety.
 - b. Respondent shall obtain at her own expense, the services of a licensed nurse midwife, pre-approved by the Department (hereinafter "supervisor"), to conduct a quarterly random review of twenty percent (20%) or twenty of respondent's patient

records, whichever is the larger number, regarding respondent's intrapartem and/or labor and delivery care. In the event respondent has twenty (20) or fewer patients, the supervisor shall review all of respondent's patient records.

- (1) Respondent's supervisor shall meet with her not less than once every quarter for the duration of her probationary period.
 - (2) The supervisor shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
 - (3) Respondent shall be responsible for providing written supervisor reports directly to the Department quarterly for the duration of the probationary period. Such supervisor's reports shall include documentation of dates and duration of meetings with respondent, number and a general description of the patient records and patient medication orders and prescriptions reviewed, additional monitoring techniques utilized, and statement that respondent is practicing with reasonable skill and safety.
- c. During the probationary period, respondent shall attend and successfully complete thirty (30) hours of coursework in fetal monitor reading and intrapartum complications, pre-approved by the Department. Within one month of the completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course(s).

3. All correspondence and reports are to be addressed to:

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

4. 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.
5. Respondent shall comply with all state and federal statutes and regulations applicable to her licensure.
6. Respondent shall pay all costs necessary to comply with this Consent Order.
7. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
- a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 7a above to demonstrate to the satisfaction of the Department that she has complied with the terms of this Consent Order or, in the alternative, that she has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the

satisfaction of the Department, she shall be entitled to a hearing before the Department which shall make a final determination of the disciplinary action to be taken.

- e. Evidence presented to the Department by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
8. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a licensed nurse midwife, upon request by the Department, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that her failure to cooperate with the Department's investigation shall constitute an admission that her conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).
9. 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 her license before the Department.
10. In the event respondent is not employed as a licensed nurse midwife for periods of thirty (30) consecutive days or longer, or is employed as a licensed nurse midwife

less than twenty (20) hours per week, or is employed outside of the State of Connecticut, respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order.

11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
12. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Department.
13. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Department in which her compliance with this Consent Order or with §20-86f of the General Statutes of Connecticut, as amended, is at issue.
14. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
15. 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 Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that she may have under the laws of the State of Connecticut or of the United States.
16. 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.

17. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
18. Respondent understands and agrees that she is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which she is away from her residence.
19. Respondent has the right to consult with an attorney prior to signing this document.

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

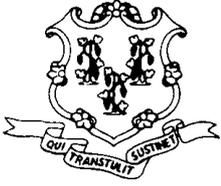
Paula Cate
Paula Cate
Paula Cate

Subscribed and sworn to before me this 29th day of August 2000.

Jane W. Gault, Esq.
Notary Public of person authorized
by law to administer an oath or affirmation
Jane W. Gault, Esq.
Commissioner of the Superior Court

The above Consent Order having been presented to the duly appointed agent of the
Commissioner of the Department of Public Health on the 6th day of
September 2000, it is hereby accepted.

Kathleen Zarrella
Kathleen Zarrella, Director
Division of Health Systems Regulation



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

January 10, 2005

Paula Cate, LNM
27 Mackey Farm Road
Woodbury, CT 06798

Re: Consent Order
Petition No. 990223-016-001
License No. 000080



Dear Ms. Cate:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective October 1, 2004.

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 this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process.

Very truly yours,

Bonnie Pinkerton, RN, Nurse Consultant
Division of Health Systems Regulation

cc: J. Filippone
J. Wojick



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