

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES
DIVISION OF MEDICAL QUALITY ASSURANCE

1981 0522 036 001

IN RE

Margaret Ann Driscoll Hobart, R.N. NHA
License No. 61
Whitewood Manor Nursing Home
177 Whitewood Road
Waterbury, Connecticut

MEMORANDUM OF DECISION

On October 7, 1983 a hearing was held before a A. Searle Pinney, Hearing Officer, on charges of unacceptable conduct brought by the Connecticut Department of Health Services (petitioner) against Margaret Ann Driscoll Hobart, R.N., (respondent), a person licensed to practice as a nursing home administrator.

FACTS

1. After notice was duly given to Respondent, a hearing was held on October 7, 1983, at 10:00 a.m. Said hearing was conducted in accordance with the provisions of the Uniform Administrative Procedure Act, Section 4-186 et seq. C.G.S.
2. Petitioner was represented by Jonathan C. Saperstein.
3. Respondent failed to appear either in person or by attorney.
4. At said hearing, petitioner offered evidence through Robert A. Brouseau, Wallingford, Connecticut, a senior account auditor in the Chief States Attorney's office Medicare fraud control unit.
5. On May 21, 1981, Respondent was found guilty in Superior Court, Hartford/New Britain Judicial District on two counts of Larceny in the First

Degree. Respondent was charged with defrauding the State of Connecticut by falsifying records upon which the State relied in determining reimbursement to the Derby Nursing Home for state assisted patients.

6. By letter of notice dated April 14, 1983, Respondent was notified of the charges against her and provided the opportunity to show cause why formal charges should not be instituted. Accordingly, a compliance conference was held on May 26, 1983, attended by Respondent and her attorney.

7. On August 12, 1983, Respondent was suspended for a period of 10 years from participation in the Medicare and Medicaid programs because of her criminal conviction and the falsification of the records of the Nursing Home.

8. At all pertinent times, Respondent was an owner of the Derby Nursing Home.

9. Respondent participated in the falsification of the Annual Reports of the Derby Nursing Home filed with the Department of Income Maintenance, which reports are the basis for the calculation of the per diem rates for reimbursement for services provided to state assisted patients in the Derby Nursing Home.

10. Said reports were falsified in the following respects:

(a) Salaries were paid by Derby Nursing Home to Carole Teulon, Josephine Conlon, Patrick Hobart, Brian Hobart, May Casey, John Driscoll and Marjorie Driscoll, although no work was performed by said persons for the Derby Nursing Home during periods for which they were paid.

(b) Goods, including building materials, a mattress, an air conditioner, a television set, drugs and other pharmacy products were paid for Derby Nursing Home during periods for which they were paid.

(b) Goods, including building materials, a mattress, an air conditioner, a television set, drugs and other pharmacy products were paid for by Derby Nursing Home but delivered to Carole Teulo and Patrick Hobart for

their personal use.

11. The total amount of the salaries paid and the goods purchased by the Derby Nursing Home pursuant to paragraph 6. above during the period in question was \$72,000.

12. Subsequent to her conviction by Superior Court, Respondent has reimbursed the State the amount of \$72,000.

13. At all times, Respondent was licensed as a nursing home administrator in Connecticut, with registration number 61.

DISCUSSION

Respondent has engaged in illegal conduct, fraud and material deception in the course of her professional services and activities in violation of Conn. Gen. Stat. Section 19a-517(b) (1).

ORDER

Pursuant to Connecticut General Statutes Section 19a-17, the Commissioner of Health Services orders revocation of the respondent-practitioner's license to practice as a nursing home administrator in Connecticut. Such revocation shall commence on December 8, 1983.

Dated at Hartford, Connecticut this 2nd day of December, 1983.

CONNECTICUT DEPARTMENT OF HEALTH SERVICES

Douglas S. Lloyd, M.D.
Douglas S. Lloyd, M.D., M.P.H.
Commissioner