

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:	)	
GEOFFREY RYAN PERKINS	)	Docket No. 2008-250
License No. 026.0031633	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney S. Lauren Hibbert, and the Respondent, Geoffrey Ryan Perkins, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing (the "Board") has authority to issue warnings or reprimands; suspend, revoke, limit, or condition current licenses; or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. § 129(a); 3 V.S.A. § 129a; 3 V.S.A. § 814(d); 26 V.S.A. § 1582; the Administrative Rules of the Board of Nursing (the "ARBN"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Geoffrey Ryan Perkins (the "Respondent") of Tolland, Connecticut was licensed by the State of Vermont as a Registered Nurse under license number 026.0031633. This license was originally issued on or about August 11, 2005 and lapsed on or about March 31, 2007. Respondent is licensed by the State of Connecticut as a Registered Nurse under license number 084312. Respondent's Connecticut license was originally issued on or about February 19, 2008 and is currently set to expire on or about July 31, 2011.
3. On or about July 21, 2010, the Connecticut Board of Examiners for Nursing ordered in part that Respondent's Connecticut license be placed on probation for a period of one (1) year. Attachment A. This discipline was due in part to Respondent's practice in providing care for a patient. Attachment A.

Charges

4. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

- a. 3 V.S.A. § 129a(b)(2) (failure to conform to the essential standards of acceptable and prevailing practice).

Understandings

5. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
6. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
7. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
8. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
9. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
10. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
11. Respondent voluntarily waives his right to a contested hearing before the Board of Nursing and waives any right to appeal from this Stipulation and Consent Order.
12. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Nursing hereby changes Respondent's registered nursing license status to **INACTIVE-CONDITIONED, commencing with the date of entry below**. During this time, Respondent shall comply with the probation imposed on his Connecticut license in Attachment A.
- B. If, during the time that Respondent's Connecticut license is still under probation, Respondent requests reinstatement of his Vermont license, his Vermont license shall be conditioned pursuant to whatever, if any, conditions the Board finds reasonable at that time.

STATE OF VERMONT



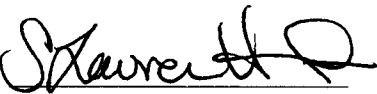
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- C. Respondent may petition the Board to remove the "conditional" status of his license at any time upon submitting to the Board evidence of satisfactory completion of his Connecticut license's probation, to the satisfaction of the Board.
- D. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, license renewal, and license reinstatement.
- E. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a).
- F. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

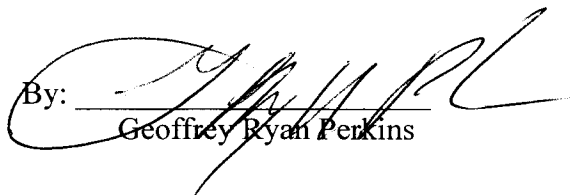
STATE OF VERMONT
SECRETARY OF STATE

Dated: 2/22/11

By: 
S. Lauren Hibbert
State Prosecuting Attorney

GEOFFREY RYAN PERKINS
RESPONDENT

Dated: 2/14/11

By: 
Geoffrey Ryan Perkins

APPROVED AND SO ORDERED:

VERMONT BOARD OF NURSING

Dated: 4-11-11

By: 
Chairperson

Date of Entry: 4/12/11
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STATE OF VERMONT



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STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

Geoffrey Perkins, R.N.
License No. 084312

Petition No. 2008-0630-010-080

MEMORANDUM OF DECISION

Procedural Background

On August 6, 2009, the Department of Public Health ("the Department") filed a Statement of Charges ("the Charges") with the Board of Examiners for Nursing ("the Board"). Board Exh. 1. The Charges allege violations of certain provisions of Chapter 378 of the General Statutes ("the Statutes") by Geoffrey Perkins ("respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to §§ 19a-17 and 20-99(b) of the Statutes.

On August 19, 2009, the Charges and a Notice of Hearing were sent to respondent by certified and first class mail. Bd. Exh. 1. On September 8, 2009, respondent filed a written Answer, with Special Defenses to the allegations. Bd. Exh. 2. Two days of hearing were held on October 21 and December 2, 2009.¹ At the hearing, Attorney Melissa Testa represented respondent; Attorney Linda Fazzina represented the Department. Following the close of the record on December 2, 2009, the Board conducted fact-finding.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this 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 has been at all times referenced in the Charges, the holder of Connecticut registered nurse license number 084312.
2. In paragraph two of the Charges, the Department alleges that at all relevant times, respondent was employed as a nurse at Bridgeport Hospital in Bridgeport, Connecticut.
3. In paragraph three of the Charges, the Department alleges that on or about April 8, 2008, while working as a nurse at Bridgeport Hospital, respondent failed to conform to the accepted standards of the nursing profession, in or more of the following ways, in that while caring for a patient who had excessive vaginal bleeding, respondent:

¹ On November 19, 2009, respondent filed an application for issuance of subpoenas by the Board to compel the appearance of certain witnesses and the production of certain medical records (Bd. Exh. 4), to which the Department filed an objection on November 23, 2009. Bd. Exh. 5. During the hearing on December 2, 2009, the Board ruled to deny respondent's request that the Board issue such subpoenas on respondent's behalf. Tr. 12/2/09, pp. 14-16.

Attachment A

- a. administered a Cytotec dosage by mouth, instead of per rectum;
 - b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
 - c. failed to provide the patient proper physical care for her excessive bleeding.
4. In paragraph four of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to the §20-99(b) of the Statutes including, but not limited to §20-99(b)(2).

Findings of Fact

1. Respondent has been at all times referenced in the Charges, the holder of Connecticut registered nurse license number 084312. Bd. Exh. 2.
2. Respondent, at all relevant times, was employed as a nurse at Bridgeport Hospital in Bridgeport, Connecticut. Bd. Exh. 2
3. Respondent administered a Cytotec dosage by mouth instead of per rectum to a patient who had excessive vaginal bleeding. The physician's order for this patient was to administer Cytotec per rectum. Bd. Exh. 2; Dept. Exh. 1; Dept. Exh. 2 (under seal); Dept. Exh. 3; Resp. Exhs. A, D (under seal), E; Tr. 10/21/09, pp. 33, 52-53, Tr. 12/2/09, p. 27.
4. Respondent did not update the patient's medical or hospital record to document accurately that the Cytotec dosage was administered orally rather than per rectum. Bd. Exh. 2; Resp. Exhs. A, D (under seal), E; Tr. 10/21/09, p. 58, 70; Tr. 12/2/09, pp. 32, 34.
5. There is insufficient evidence to establish that respondent failed to provide proper physical care to the patient for her excessive bleeding. Tr. 10/21/09, pp. 37-45; 54-59, 62-63, 83, 101-102; Tr. 12/2/09, pp. 32, 35.

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); *Swiller v. Comm'r of Public Health*, CV-950705601, Superior Court, J.D. Hartford/New Britain at Hartford, October 10, 1995; *Steadman v. SEC*, 450 U.S. 91, 101 S. Ct. 999, *reh'g den.*, 451 U.S. 933 (1981). The Department sustained its burden of proof with regard to all of the allegations in the Charges, except for the allegations contained in paragraph 3c.

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

- (a) The Board . . . shall have jurisdiction to hear all charges of conduct which fails 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; . . .

The Department sustained its burden of proof concerning the allegation in paragraphs one and two of the Charges, that respondent has been at all times referenced in the Charges, the holder of Connecticut registered nurse license number 084312, and was employed as a nurse at Bridgeport Hospital in Bridgeport, Connecticut. The Department also sustained its burden of proof concerning the allegations in paragraph 3a and 3b but not paragraph 3c of the Charges.

With regard to paragraph 3a, the Department proved by a preponderance of the evidence that respondent orally administered a Cytotec to a patient with excessive vaginal bleeding, instead of rectally as ordered by the physician. Respondent admitted the allegation, but stated that he did so since the patient refused to have the medication administered rectally. He also testified that prior to administering the medication, he consulted with the hospital pharmacist who confirmed that the drug could be administered either way with no adverse effects to the patient. However, decisions to administer medications in a manner other than as ordered by the physician, are outside the scope of practice of a registered nurse. Thus, the Department met its burden of proof with respect to this allegation.

The Department sustained its burden of proof concerning the allegation in paragraph 3b of the Charges that respondent did not accurately document in the patient's medical record the manner in which the Cytotec was administered. Respondent testified that he documented the chart in advance to reflect administration of the Cytotec as ordered by the physician, and then failed to update the record at the end of his shift as he had intended, to reflect how the Cytotec was actually administered. Therefore, the Department met its burden of proof with respect to this allegation.

With respect to the allegation in paragraph 3c of the Charges, the Department failed to sustain its burden of proving that respondent failed to provide the patient proper physical care for her excessive bleeding. According to the Department's investigative report (Resp.Exh. E), respondent's patient, T. S. complained to hospital staff and administrators that respondent left her "in a bloody mess" and "did not offer or assist in cleaning her or supply her with sanitary

pads" Resp. Exh. E, p. 3. Respondent testified that he provided the patient with multiple towels and sanitary pads soon after she was admitted and placed on his floor. Tr. 10/21/09, p. 40. Respondent also presented three witnesses who were involved in the hospital's investigation of the incident: Kenneth Forte, R.N., Nurse Educator, testified that the patient had concerns with the night nurse's care. Tr. 10/2/09, p. 85.; Kristen Borgnone, R.N., M.S.N., C.C.R.N., Nurse Manager of the Emergency Department, testified that the patient felt "[respondent] was not attentive to her during the nightshift" (Tr. 10/21/09, p. 105), but her knowledge of the incident was based entirely on hearsay (*i.e.*, her conversations with T. S. and the patient's sister); Stephanie Andrade, R.N., did not recall whether the patient complained about the care respondent provided. Tr. 10/21/09., p. 102. A fourth witness respondent subpoenaed did not attend or testify.

Respondent denies the allegations about improper patient care and the Department offered no evidence to rebut his denials. Moreover, no one on the hospital staff took the patient's statement or affidavit, and the patient did not testify at the hearing. The Board finds that the evidence is insufficient to establish that respondent failed to provide proper physical care to the patient for her excessive bleeding. Thus, the Board finds that the Department did not sustain its burden of proof with respect to this allegation.

Except for the allegations contained in paragraph 3c of the Charges, the Board concludes that respondent's conduct as alleged in the Charges, is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to §§ 20-99(b)(2) and 19a-17 of the Statutes. The Board finds that respondent can practice nursing with reasonable skill and safety under the terms of this Order.

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 084312 held by Geoffrey Perkins, as follows:

1. Respondent shall pay a civil penalty of five hundred dollars (\$500) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable within thirty days of the effective date of this Decision.

2. Respondent's license shall be placed on probation for a period of one year under the following terms and conditions. If any of the conditions of probation are not met, respondent's registered nurse license may be subject to disciplinary action pursuant to § 19a-17 of the Statutes.
 - A. During the period of probation the Board shall pre-approve respondent's employment and/or change of employment within the nursing profession.
 - 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 his immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of month following employment as a nurse. Employer reports shall be submitted quarterly during the probationary period.
 - 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 J 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. If respondent pursues further training in any subject area that is regulated by the Department, respondent shall provide a copy of this Memorandum of Decision to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department in writing as to receipt

of a copy of this Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph J below.

- H. At his own expense, respondent shall successfully complete a course in scope of practice, and a course in medication administration and documentation; each course must be pre-approved by the Board. Within thirty days of completion of each course, respondent shall provide proof to the satisfaction of the Board and Department of his successful completion of the course.
- I. The Board must be informed in writing prior to any change of address.
- J. All communications, payments if required, correspondence, and reports are to be addressed to:

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

- 3. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut, 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).
- 4. This Memorandum of Decision becomes effective and the one year probation of registered nurse license no.084312 shall commence on August 1, 2010.

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

Dated at Hartford, Connecticut this 21st day of July, 2010.

BOARD OF EXAMINERS FOR NURSING

By Patricia Bouffard
Patricia Bouffard, Chairperson