



# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH

### PUBLIC HEALTH HEARING OFFICE

September 6, 2012

James Bhandary-Alexander, Esq.  
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Department of Public Health  
410 Capitol Avenue, MS #12LEG  
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Hartford, CT 06134-0308

Via Email

RE: Tania Thomas, LPN, 027884

Petition No. 2012-373

Dear Attorney Bhandary-Alexander and Attorney Antonetti:

Enclosed please find a copy of the Memorandum of Decision issued by the **Board of Examiners for Nursing** in the above-referenced matter.

Sincerely,

Janice E. Wojick, Administrative Assistant/Nursing Board Liaison  
Public Health Hearing Office

- c: Wendy H. Furniss, Branch Chief, Healthcare Quality and Safety  
Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations  
Lynn A. Rioux, Paralegal Specialist II, Office of the Attorney General  
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**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Tania Thomas, L.P.N.  
License No. 027884

Petition No. 2012-373

**MEMORANDUM OF DECISION**

***Procedural Background***

Tania Thomas ("Petitioner") was issued Licensed Practical Nurse ("L.P.N.") license number 027884. Pursuant to a Memorandum of Decision dated February 7, 2007, the Board of Examiners for Nursing ("Board") ordered the revocation of Petitioner's L.P.N. license. Bd. Exh 1. pp. 4-7. In a letter dated January 30, 2012, Petitioner requested that the Board grant her a relicensure hearing and reinstate her L.P.N. license. Bd. Exh. 1. p. 2.

Pursuant to Petitioner's request, the Board issued a Notice of Hearing ("Notice") dated April 5, 2012. On May 16, 2012, the Board heard Petitioner's request for reinstatement. Bd. Exh.1. At the hearing, Petitioner was represented by Attorney James Bhandary-Alexander; the Department was represented by Attorney Joelle Newton. Following the close of the record on May 16, 2012, 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 and the Board's specialized professional knowledge in evaluating the evidence. The Board relied on the training and experience of its members in making its findings of fact and conclusions of law. *Pet v. Department of Health Services*, 228 Conn. 651 (1994).

***Findings of Fact***

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Petitioner previously held license number 027884 to practice as a L.P.N. Pet. Exh. 1, p. 4.
2. In February 2007, pursuant to the Memorandum of Decision, the Board ordered the revocation of Petitioner's L.P.N. license based on findings that Petitioner's criminal conduct in 2005 and conviction in 2006 rendered her unable to practice nursing with reasonable skill and safety. Pet. Exh. 1, pp. 4-7.

3. In 2007, Petitioner completed a Women's Anger Management Program at the Wheeler Clinic and an employability training workshop with STRIVE-New Haven. Tr. p. 7; Pet. Exh. 1, pp. 1, 8, 13.
4. In 2008, Petitioner participated in re-education courses with the Connecticut Society of Eye Physicians. Tr. p. 7; Pet. Exh. 1, pp. 1, 14.
5. In 2009, Petitioner participated in several support groups and workshops including a Basic Workshop with the Alternatives to Violence Project, reeducation programs through the Hotel and Start Lodging Educational Institute, and the Hospitality Operations Technology Vocational Educational Program. Tr. p. 7; Pet. Exh. 1, pp. 1, 12, 15-18.
6. Additionally, Petitioner has participated in anger management programs, parenting workshops and has attended a weekly women's support group for the past six years. Tr. pp. 7, 18; Pet. Exh. pp. 1, 20, 23, 27.
7. Petitioner is currently pursuing a provisional pardon petition with the aid of Quinnipiac University School of Law. Tr. p. 15.
8. Petitioner's former employer, StepRite LLC, rated her job performance as excellent and efficient and her customer service skills as exemplary. Pet. Exh. p. 29.
9. Petitioner's current employer, Suburban Home Medical, rated her job performance as detail-oriented and a demonstration of a high level of customer service ability. Petitioner finds great satisfaction and takes pride in her current employment and wishes to use her reinstated nursing license to serve the community better through her job. Tr. p. 15; Pet. Exh. 1, pp. 1, 30.
10. Petitioner has established a support network which includes a support group through the Resettlement Program, the STRIDE Program, as well as with family and friends. Petitioner no longer associates with the parties connected with her conviction. Tr. pp. 11, 16; Pet. Exh. 1, pp. 28, 31-32, 34.
11. Petitioner has utilized her support network to develop coping skills and strategies to deal with her anger management issues. Tr. pp. 9-12, 18; Pet. Exh. pp. 31-32, 34.

#### ***Discussion and Conclusions of Law***

As stated in the Notice, Petitioner has the burden of satisfying the Board that she is able to practice as a Licensed Practical Nurse with reasonable skill and safety by presenting relevant evidence at the hearing, including the following:

1. Evidence from a licensed therapist documenting her drug free status and participation in therapy and counseling;

2. Personal references addressing her drug free status, emotional health, and work habits;
3. Documentary evidence from her current and past employers;
4. Documentary evidence of random, legally defensible screens for drugs and alcohol conducted by a therapist or physician;
5. Documentation of participation in support groups;
6. Documentation from her therapist and/or physician of her current prescribed medications, including an evaluation of her need for those medications and an assessment of her continued need for those medications.

Petitioner has made great strides in recovering from her past mistakes and reestablishing herself as a safe and reliable member of society; one who is capable of practicing with reasonable skill and safety as a licensed practical nurse. Petitioner has participated in several support groups and workshops since her conviction including mother support groups, a coping skills group, a parenting skills course and a workshop for reentry to receive employment. Further, Petitioner has made beneficial contributions to the groups in which she has participated; demonstrating a capacity for kindness, understanding and support of others.

Additionally, Petitioner has participated in anger management programs for the past six years and continues to do so. Petitioner has established a strong support network through these organizations and renewed relationships with family and friends that provide her with guidance in times of need. Petitioner has used her experiences to give back to her community and advocate on behalf of others in similar positions. She has reflected on her previous decisions and has demonstrated a commitment to ensuring that she does not make the same mistakes again. Her case manager at the Resettlement Program, Ms. Elizabeth Secord, has overseen Petitioner's growth as a person, parent and practitioner and testified that Petitioner puts extraordinary effort into every endeavor she undertakes and has succeeded in becoming someone worthy of a second chance. Tr. pp. 18-19; Pet. Exh. 1, pp. 31-32.

As noted in the Findings of Fact, the Board found that Petitioner has presented relevant and credible evidence to sustain her burden of satisfying the Board of her ability to return to the practice of nursing with reasonable skill and safety, under the terms of the Order described below.

***Order***

Pursuant to §§ 19a-17 and 20-99 of the General Statutes ("Statutes"), the Board hereby orders the following:

1. Licensed Practical Nurse license number 027884, of Petitioner, Tania Thomas, is hereby reinstated and immediately restricted in that she is prohibited from practicing as a L.P.N. and may only use her L.P.N. license for the sole purpose of participating in a refresher program as set forth in paragraph 2 of this Order.
2. Petitioner shall successfully complete a Board-approved L.P.N. refresher course with a clinical component and successfully take the licensing examination for L.P.N.(s) (offered by the National Council of State Boards of Nursing Licensing Examination, "NCLEX").
  - A. Certification of successful completion of the L.P.N. refresher program shall be submitted to the Department, directly from the educational institution where said program was taken, within 30 days of the program's completion.
  - B. Petitioner shall submit an application to the Department's licensing authority. Petitioner shall be administered the licensing examination for L.P.N.(s). Petitioner shall incur all expenses associated with applying for and taking the L.P.N. licensing examination (NCLEX).
  - C. Petitioner shall attain a passing score on the licensing examination for L.P.N.(s).
  - D. Until such time that Petitioner successfully completes the L.P.N. refresher program and attains a passing score on the L.P.N. licensing examination (NCLEX), Petitioner is prohibited from practicing as a L.P.N. and Petitioner's L.P.N. license will be restricted and used for the sole purpose of participating in the L.P.N. refresher program.
3. Upon notification by the Department that Petitioner has satisfied the terms set forth in paragraph 2, Petitioner's L.P.N. license number 027884, shall be placed on probation for a period of two years under the following terms and conditions:
  - A. Petitioner shall not be employed as a L.P.N. 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 L.P.N. for the period of probation.



- B. Petitioner shall provide a copy of this Memorandum of Decision ("Decision") to any and all employers if employed as a L.P.N. during the probationary period. The Department shall be notified in writing by any employer(s), within 30 days of the commencement of employment, as to the receipt of a copy of this Decision.
- C. If employed as a L.P.N., Petitioner shall cause employer reports to be submitted to the Department, by her immediate supervisor during the entire probationary period. Employer reports shall be submitted monthly for the first six months of employment and quarterly for the remainder of the probationary period. Employer reports shall be submitted commencing with the report due on the first business day of the month following employment as a L.P.N.
- D. The employer reports cited in paragraph 3C above shall include documentation of Petitioner's ability to practice nursing safely and competently. Employer reports shall be submitted directly to the Department at the address cited in Paragraph 3L below.
- E. Should Petitioner's employment as a L.P.N. be involuntarily terminated or suspended, Petitioner and her employer shall notify the Department within 72 hours of such termination or suspension.
- F. If Petitioner pursues further training in any subject area that is regulated by the Department, Petitioner shall provide a copy of this Decision to the educational institution or, if not the institution, to Petitioner's instructor. Such institution or instructor shall notify the Department in writing of receipt of a copy of this Decision within 15 days of receipt. Said notification shall be submitted directly to the Department at the address cited in paragraph 3L below.
- G. At her expense, Petitioner shall continue to engage in therapy and counseling for anger management and coping skills with a licensed or certified therapist, approved by the Department, during the entire probationary period.
- H. Petitioner shall provide a copy of this Decision to her therapist. The Department shall be notified in writing by her therapist, within 30 days of the effective date of this Decision, as to receipt of a copy of this Decision.

- I. Petitioner shall cause evaluation reports to be submitted to the Department by her therapist during the entire probationary period. Therapist reports shall be submitted monthly for the first six months of the probationary period and quarterly for the remainder of the probationary period.
- J. The therapist reports cited in Paragraph I above shall include documentation of dates of treatment, an evaluation of Petitioner's progress, including alcohol and drug free status, and her ability to practice nursing safely and competently. Therapist reports shall be submitted directly to the Department at the address cited in Paragraph 3L below.
- K. The Department must be informed in writing prior to any change of address.
- L. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, LPN, 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. 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 Petitioner has violated this Order will subject Petitioner 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 Petitioner's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department).
- 5. This Memorandum of Decision becomes effective on the date signed by the Board.

The Board hereby informs Petitioner, Tania Thomas, and the Department of this decision.

Dated at Hartford, Connecticut this 5<sup>th</sup> day of September, 2012.

BOARD OF EXAMINERS FOR NURSING

by Patricia C Bouffard  
Patricia Bouffard, D.N.Sc., Chairperson



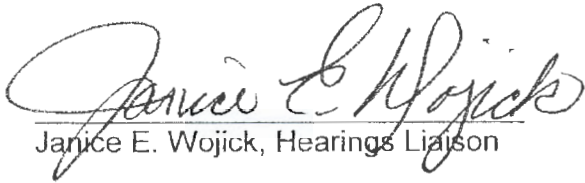
**CERTIFICATION**

I hereby certify that, pursuant to Connecticut General Statutes Section 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 6<sup>th</sup> day of September 2012, certified mail return receipt requested mail to:

James Bhandary-Alexander, Esq.  
New Haven Legal Assistance  
426 State Street  
New Haven CT 06510-2018

*and E-Mail to:*

Matthew Antonetti, Principal Attorney  
Legal Office, MS#12LEG  
Department of Public Health  
410 Capitol Avenue  
P. O. Box 340308  
Hartford CT 061343-0308



Janice E. Wojick, Hearings Liaison