

State of New Hampshire

PERSONNEL APPEALS BOARD
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Gerald Allard
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87-100-4-1

NEW HAMPSHIRE PERSONNEL APPEALS BOARD DECISION

In the Matter Of:

MARILYN LAVERDIERE

May 28, 1986

On April 17, 1986, the Personnel Appeals Board, Commissioners Haseltine, Allard and Platt sitting, heard the appeal of Marilyn Laverdiere. Ms. Laverdiere, a Medical Records Technician at Glencliff Home for the Elderly, was suspended for a period of two weeks from March 10, 1986 to March 21, 1986. Sandra Knapp, Superintendent of Glencliff, presented the case on behalf of Glencliff. Dennis Martino of SEA represented Ms. Laverdiere. At the beginning of the hearing, Ms. Knapp made a request in which the SEA concurred that the hearing be closed and the exhibits sealed due to references to medical records of a particular resident. The Board granted this request.

The facts giving rise to this appeal are not in dispute. Ms. Laverdiere in reviewing the medical records of a Glencliff resident, discovered that no entries had been made in the chart from September, 1985 until a discharge summary on January 18, 1986 by the physician under contract to Glencliff. Upon discovering this omission, Ms. Laverdiere drafted three proposed entries to be signed by the doctor and to be included in the file to cover the four month period. The notes contained specific dates and indicated that the physician had seen the resident on each of those dates. Ms. Laverdiere testified that she did not know whether the doctor had seen the resident on any of those dates or during the four month period of time. She further testified that she had obtained information on the patient's condition from the nursing log. The proposed notes were clipped to the patient's record with a note to the doctor informing him that Ms. Laverdiere had discovered the four month lapse in dictation and had "made up the notes to cover the lapse." When presented with the file, the doctor refused to sign the notes.

The appellant argues that the action taken by the employer, that is, issuing a letter of warning with a two week suspension, was actually two separate disciplinary actions for one offense. The appellant further argues that although her action was "foolish," it was not malicious and that she had good intentions in preparing the notes.

While the Board believes that Ms. Laverdiere's actions were not

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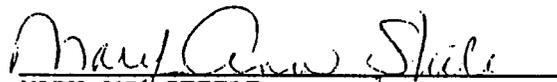
.. . motivated by malice, we think she committed a very serious error in judgment. As a Medical Records Technician, Ms. Laverdiere is charged with maintaining accurate medical records. Any attempt made by her to alter medical records may result in serious harm to the resident and certainly undermines the reliability of the medical records. If the physician had signed the notes prepared by Ms. Laverdiere, such an alteration would have taken place.

We recognize also that the employer has taken into account Ms. Laverdiere's good intentions and lack of formal training in determining that a two week suspension and letter of warning should be administered in this case. These factors persuaded the employer that the action did not warrant termination.

Nevertheless, the Board believes that the very serious nature of this offense is adequately addressed by the two week suspension. Recognizing the good faith intentions of Ms. Laverdiere, we therefore order the withdrawal of the letter of warning. Given this result, we find it unnecessary to address the employee's argument that a letter of warning accompanied by a two week suspension constitute two separate disciplinary actions for one offense.

For the foregoing reasons, we uphold the two week suspension and overrule the letter of warning issued in this case.

FOR THE PERSONNEL APPEALS BOARD


MARY ANN STEELE
Executive Secretary

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cc: Dennis Martino, Field Representative
State Employees' Association of N. H.

Sandra Knapp, Superintendent
Glencliff Home for the Elderly