



STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES

Processed

12 September 1991

RECEIVED
DEPARTMENT OF HEALTH SERVICES
SEP 13 1991
HEARINGS & INVESTIGATIONS
DIVISION OF MEDICAL
QUALITY ASSURANCE

Rec'd
9-23-91
JB

Paul Lostritto
Holy Name College
1650 St. Camillus
Silver Springs, MD 20903

RE: Connecticut Registered Nurse License No. E49518

Dear Mr. Lostritto *Paul*

Your eligibility for reinstatement from probation of your registered nurse license has been reviewed, and the Board of Examiners for Nursing recommends that your license be reinstated with an effective date of September 15, 1991.

Your original license number has been reassigned to you, and will be issued following routine processing by the Department of Health Services.

Renewal of your registered nurse license is required, by law, annually during the month of your birth following the date of this letter. If the license is not renewed within ninety (90) days of the due date, it will become automatically void. This means that future reinstatement will require re-application.

State law requires you to notify this office within thirty (30) days of ANY change of address whether in or out of this state. Should you have any questions concerning this process contact this Department at 566-4979.

Sincerely, *Best Wishes,*

Marie Hilliard
Marie T. Hilliard, Ph.D., R.N.
Executive Officer
Board of Examiners for Nursing

NA
3/8/94
JB

MTH:jew
4290/51

- cc: Richard Lynch, Assistant Attorney General
- David J. Pavis, Chief, Public Health Hearing Office
- John N. Boccaccio, Chief, Licensure & Registration
- Joseph J. Gillen, Chief, Applications, Examinations and Licensure
- Nurse Licensure, Applications, Examinations and Licensure

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

IN RE: [REDACTED]

P.O. Box 313
116 Court Street
New Haven, Connecticut 06511

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing, ("Board") was presented by the Department of Health Services ("Department") with a Statement of Charges dated March 9, 1988.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing dated March 21, 1988. The hearing took place on April 27, 1988 National Guard Armory, Room 112, Maxim Road, Hartford, Connecticut. Respondent filed an Answer to the Charges, and was present, but was not represented by counsel at the hearing.

Each member of the Board involved in this decision certifies that he/she has heard the case or read the record; and that this decision is based on the evidence presented and his/her specialized professional knowledge in evaluating the evidence.

FACTS

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

1. Paul Lostritto, respondent, was at all pertinent times licensed to practice nursing as a registered nurse with registration number E-49518.
2. In accordance with Connecticut General Statutes, Section 4-182(c) (1987), respondent was provided full opportunity prior to the commencement of agency action to show compliance with all the terms for the retention of his license.
3. During and following July 1987, respondent worked as a registered nurse at Yale-New Haven Hospital ("Yale-New Haven") in New Haven, Connecticut.
4. During and following July 1987, while working as a registered nurse at Yale-New Haven, respondent diverted the controlled substances Demerol and Percocet.
5. During and following July 1987, while working as a registered nurse at Yale-New Haven, respondent abused and utilized to excess the controlled substances Demerol and Percocet.
6. During and following July 1987, while working as a registered nurse at Yale-New Haven respondent failed to completely, properly and accurately make documentations in the medical or hospital records.
7. During and following July 1987, while working as a registered nurse at Yale-New Haven, respondent falsified one or more Controlled Substance Receipt Records.

DISCUSSION AND CONCLUSIONS

The First Count, Subsections 3a and 3b allege that while employed as a registered nurse at Yale-New Haven, respondent diverted the controlled substances Demerol and Percocet.

This conduct is a violation of 378 Connecticut General Statutes Section 20-99(b)(2) and (6)(1987) which include: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions;... (6) fraud or material deception in the course of professional services or activities...."

Respondent admits these charges. (Dept. Exhibit 3; Resp. Exhibit A, p.1). The Board concludes that respondent has violated Connecticut General Statutes Sections 20-99(b)(2) and (6) as specified in the First Count, Subsections 3(a) and 3(b).

The First Count, Subsection 3c alleges that while employed as a registered nurse at Yale-New Haven, respondent abused or utilized to excess the controlled substances Demerol and Percocet.

This conduct is a violation of Connecticut General Statutes Section 20-99(b)(5)(1987) which includes: "(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Respondent admits this charge. (Dept. Exhibit 3; Resp. Exhibit A, p.1). The Board concludes that respondent has violated Connecticut General Statutes Section 20-99(b)(5) as specified in the First Count, Subsection 3(c).

The First Count, Subsections 3d and 3e allege that while employed as a registered nurse at Yale-New Haven, respondent failed

to completely or properly or accurately make documentations in the medical or hospital records, and falsified one or more Controlled Substance Receipt Records.

This conduct is a violation of Connecticut General Statutes Section 20-99(b)(2), (6) and (7)(1987), which include: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions;... (6) fraud or material deception in the course of professional services or activities;... (7) wilful [sic] falsification of entries in any hospital, patient or other record pertaining to drugs, the results of which are detrimental to the health of a patient...."

Respondent admits these charges. (Dept. Exhibit 3; Resp. Exhibit A, p.1). The Board concludes that respondent has violated Connecticut General Statutes Sections 20-99(b) (2), (6) and (7), as specified in the First Count, Subsections 3(d) and 3(e).

ORDER

It is the unanimous decision of those members of the Board who were present and voting that:

a. Respondent's license be placed on probation for a period of ~~three (3) years~~ as follows:

- i. as to the First Count, Subsection 3a, three (3) years probation;
- ii. as to the First Count, Subsection 3b, three (3) years probation;

- iii. as to the First Count, Subsection 3c, three (3) years probation;
- iv. as to the First Count, Subsection 3d, three (3) years probation;
- v. as to the First Count, Subsection 3e, three (3) years probation;
- vi. the three (3) year probation periods referenced in (i), (ii), (iii), (iv), and (v) are to run concurrently for an effective three (3) year probation;

b. If respondent violates any of the following conditions of probation, the Board will place respondent on immediate summary suspension, with respondent having the right of review within sixty (60) days of the effective date of suspension:

- i. Respondent must submit a copy of his Memorandum of Decision to his nursing supervisor, and have bimonthly reports submitted from his nursing supervisor for the first year of probation and quarterly for the last two (2) years of probation. These reports must document his ability to administer safe and effective nursing care in a drug-free state, including the administration of controlled substances.
- ii. Respondent must have bimonthly reports from a licensed therapist submitted for the first year of probation and quarterly for the last two (2) years of probation. These reports must document respondent's drug free state, emotional health, and ability to administer safe nursing care, including the administration of controlled substances.

- iii. Respondent must have submitted negative random drug and alcohol screen reports. These reports will be due monthly for the first year of probation and quarterly for the last two (2) years of probation.
- iv. All monthly and quarterly reports are to be in the office on the first day of the month they are due.
- v. Respondent is not to work for a nursing personnel provider service.
- vi. Respondent must inform the Board prior to any change of employment or change of address in writing.
- vii. All correspondence and reports are to be addressed to:

Office of the Board of Examiners for Nursing
Department of Health Services
150 Washington Street
Hartford, CT 06106

- vi. Respondent shall not obtain or use any controlled drug that has not been prescribed for him for a legitimate purpose by a licensed health practitioner.
- c. The period of probation shall commence September 15, 1988. The Board shall inform the Department of this decision.

Dated at *Hartford*, Connecticut, this *21st* day of *July*, 19*88*

BOARD OF EXAMINERS FOR NURSING

By *Bette Jane M. Murphy, RN*