

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.

Melissa Mason, R.N., Lic. No. E49769

28 Boulder Ridge Road

Monroe, CT 06468

CASE PETITION NO. 900322-10-020

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Motion for Summary Suspension, dated April 18, 1990 and a Summary Suspension Order, dated April 19, 1990. A Statement of Charges dated April 18, 1990 was also presented to the Board.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing dated April 19, 1990. The hearing took place on May 24, 1990 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she has reviewed the record, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FINDINGS OF FACT

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

1. Melissa Mason, hereinafter referred to as Respondent, was issued Connecticut Registered Nurse license number E49769 on March 30, 1987;
2. Pursuant to Connecticut General Statutes, Section 4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of his/her license.
3. The Respondent was aware of the time and location of the hearing. Department Exhibit B indicates that notice of the location and time of this hearing were delivered by Richard Orr, Deputy Sheriff on May 11, 1990 to the Respondent. The Respondent was present without counsel at the hearing.
4. The Respondent's license, on April 1, 1988, was placed on probation for two years by the Board. Terms of Probation required that : "...she shall not use any drug that has not been prescribed for a legitimate purpose by a licensed health care practitioner...."(Department Exhibit A, p. 6).
5. The Respondent, during March, 1990 and or subsequent times thereto, diverted prescription blanks from Dr. James D. Garrity, M.D.
6. The Respondent, during March, 1990 and or subsequent times thereto, obtained the controlled substance Tylox by fraud, misrepresentation, deceit or subterfuge.
7. The Respondent, during March, 1990 and or subsequent times thereto, attempted to obtain the controlled substance Tylox and/or Anexsia by fraud, misrepresentation, deceit or subterfuge.

8. The Respondent, during March, 1990 and or subsequent times thereto, abused or utilized to excess one or more of said medications.

DISCUSSION AND CONCLUSIONS

The First Count, Subsection 3a, alleges that during March, 1990 and or subsequent times thereto, the Respondent diverted prescription blanks from Dr. James D. Garrity, M.D. The Respondent admits these charges (Transcript of Hearing, dated May 24, 1990, p. 23).

The above referenced conduct is a violation of Connecticut General Statutes Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...." Therefore, the Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(2), as specified in the First Count, Subsection 3a.

The First Count, Subsection 3b, alleges that during March, 1990 and or subsequent times thereto, the Respondent obtained the controlled substance Tylox by fraud, misrepresentation, deceit or subterfuge. The Respondent admits these charges (Transcript of Hearing, dated May 24, 1990, p. 23).

The above referenced conduct is a violation of Connecticut General Statutes Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...." Therefore, the Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(2), as specified in the First Count, Subsection 3b.

The First Count, Subsection 3c, alleges that during March, 1990 and or subsequent times thereto, the Respondent attempted to obtain the controlled substances Tylox and/or Anexsia by fraud, misrepresentation, deceit or subterfuge. The Respondent admits these charges (Transcript of Hearing, dated May 24, 1990, p. 23).

The above referenced conduct is a violation of Connecticut General Statutes Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...." Therefore, the Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(2), as specified in the First Count, Subsection 3c.

The First Count, Subsection 3d, alleges that during March, 1990 and or subsequent times thereto, the Respondent abused or utilized to excess one or more of said medications. The Respondent admits these charges (Transcript of Hearing, dated May 24, 1990, p. 23).

The above referenced conduct is a violation of Connecticut General Statutes Section 20-99(b)(5), which includes "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...." Therefore, the Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(2), as specified in the First Count, Subsection 3d.

ORDER

It is the unanimous decision of those members of the Board of Examiners for Nursing who were present and voting that for each of the subsections of the First Count, Section 3, Subsections (a), (b), (c), and (d):

1. The license of the Respondent be Revoked.

2. The effective date of this revocation shall commence on December 1, 1990.

The Board of Examiners for Nursing hereby informs the Respondent and the Department of Health Services of the State of Connecticut of this decision.

Dated at *Hartford*, Connecticut, this *21st* day of *September*, 1990.

BOARD OF EXAMINERS FOR NURSING

By *Sarah Jane M. Murphy, M*

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