

STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

Deborah Donovan, R.N.

Registered Nurse No. E49858

16 Glimmer Glenn

Colchester CT 06415

CASE PETITION NO. 950314-10-031

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services (hereinafter the "Department") with a Statement of Charges and a Motion for Summary Suspension dated March 20, 1995 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Deborah Donovan (hereinafter the "Respondent").

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent represented a clear and immediate danger to public health and safety. On March 22, 1995, the Board ordered, pursuant to its authority under §19a-17(c) of the General Statutes of Connecticut, that the registered nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges (Department Exhibit 1).

The Board issued a Notice of Hearing dated March 22, 1995 scheduling a hearing for April 5, 1995 (Department Exhibit 1). The hearing took place on April 5, 1995 at the Department of Public Health and Addiction Services, Second Floor Hearing Room, 20 Trinity Street, Hartford, Connecticut.

During the hearing the Respondent submitted a Motion to Vacate Summary Suspension Order and for Interim Order Pending Final Decision. (Respondent's Exhibit C) At the conclusion of the hearing the Board denied the Respondent's Motion. (Hearing Transcript, April 5, 1995, p. 71)

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.

### FACTS

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

1. Deborah Donovan, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E49858 on March 30, 1987 and was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1-C)
2. The Respondent was given due notice of the hearing and the charges against her. (Hearing Transcript, April 5, 1995, p. 5)
3. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, April 5, 1995, pp. 2-3)
4. The Respondent submitted written and verbal answers to the Statement of Charges. (Respondent's Exhibit A) (Hearing Transcript, April 5, 1995, p. 10)
5. Pursuant to a Consent Order dated June 30, 1993 the registered nurse license of the Respondent was placed on probation for a period of three (3) years effective July 1, 1993. The probation was ordered due to the Respondent's diversion of the medication Nubain from Manchester Memorial Hospital, Manchester, Connecticut during March 1993. (Department Exhibit 1-A)

6. Terms of probation of the Respondent's registered nurse license require the Respondent to engage in counseling with a licensed or certified therapist and to submit to random urine and/or blood screening for drugs and alcohol. In addition the Respondent is responsible for therapist reports and laboratory reports of alcohol/drug screens to be submitted to the Board on a scheduled basis.  
(Department Exhibit 1-A) (Answer: Respondent's Exhibit A)
  
7. The Respondent has not complied with the terms of probation as set forth in the Consent Order dated June 30, 1993 in that the Respondent did not submit to alcohol/drug screening between June 7, 1994 and October 31, 1994 and between October 31, 1994 and February 8, 1995. In addition the Respondent did not engage in therapy with a licensed or certified therapist from on or about March 1994 to on or about February 13, 1995. (Hearing Transcript, April 5, 1995, pp. 32-33, 47, 51)  
(Respondent's Exhibit B) (Department Exhibit 1-B)
  
8. The laboratory reports of the Respondent's alcohol/drug screens for October 31, 1994 and February 8, 1995 were not received by the Board until the date of the hearing. (Department Exhibit 1-B)  
(Respondent's Exhibit A, B, C)
  
9. Reports from the Respondent's therapist were not received by the Board from on or about June 1994 until the date of the hearing. (Department Exhibit 1-B) (Respondent's Exhibit A, B, C)

#### DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Deborah Donovan held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Statement of Charges alleges that the Respondent, while her registered nurse license was subject to probation pursuant to a Consent Order dated June 30, 1993, violated the terms of the probation by failing to have submitted to the Board of Examiners for Nursing, therapist or alcohol/drug screen reports which were due in July, September, and November 1994, and January and March 1995.

With caveats, the Respondent admits that therapist and alcohol/drug screen reports were not received by the Board on the dates specified in Paragraph 3 of the Statement of Charges. (Respondent's Exhibit A) (Hearing Transcript, April 5, 1995, pp. 9-10)

Based on its findings, the Respondent's admissions and the testimony of the Respondent, the Board concludes that subsequent to June 1994 the Respondent has violated the terms of probation of her registered nurse license as set forth in the Consent Order dated June 30, 1993. Therefore, the Respondent is subject to disciplinary action pursuant to § 19a-17 of the General Statutes of Connecticut.

#### ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That the Respondent's registered nurse license, No. E49858, be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

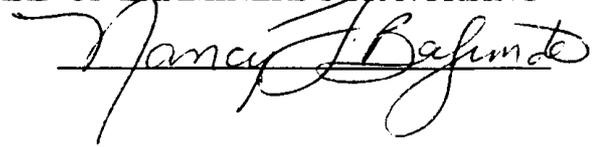
The Board of Examiners for Nursing hereby informs the Respondent, Deborah Donovan and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 12th day of July, 1995.

1072Q

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, reading "Nancy J. Belmonte", written over a horizontal line.