

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Elizabeth D'Agostino  
RE: Registered Nurse License – No. E51287

Petition No. 2005-0928-010-075

**MEMORANDUM OF DECISION**

*Procedural Background*

Elizabeth D'Agostino (hereinafter "petitioner") was issued registered nurse license number E51287.

On March 6, 2002, a Memorandum of Decision was issued by the Board of Examiners for Nursing (hereinafter "the Board") in which it ordered the revocation of petitioner's registered nurse license.

In a letter dated June 30, 2005, petitioner requested that the Board reinstate her registered nurse license. Board Exh. A.

Pursuant to petitioner's request, the Board issued a Notice of Hearing dated September 8, 2005, scheduling a hearing for February 15, 2006. Board Exh. A.

The hearing took place on February 15, 2006, at 181 Patricia M. Genova Drive, Newington, Connecticut. Petitioner was present at the hearing but was not represented by counsel. Transcript, February 15, 2006.

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.

*Findings of Fact*

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

1. Pursuant to a Memorandum of Decision dated February 7, 2001 ("2001 Order"), the Board placed petitioner's registered nurse license on probation for four years. The order was based on proof that petitioner abused crack cocaine between about February 1998 and November 1999 and that this abuse affected her practice as a Registered Nurse. Board Exh. A; Board Exh. B.
2. Pursuant to Memorandum of Decision dated March 6, 2002 ("2002 Order"), the Board ordered the revocation of petitioner's registered nurse license. The 2002 Order was based on the Board's findings that the petitioner failed to comply with the requirements of the 2001 Order, in that a random urine screen, which petitioner submitted on June 22, 2001, tested positive for the presence of cocaine. Petitioner admitted to a representative of the Department of Public Health that she had used cocaine during the week of June 18, 2001. She later admitted to a representative of the Department of Public Health that she had used cocaine again on July 20, 2001. Board Exh. B.

3. Since 2001, petitioner has been receiving continued substance abuse treatment at the Connecticut Mental Health Center-Substance Abuse Treatment Unit ("SATU"). Other than a single relapse in December 2003, about which petitioner informed her therapist, petitioner has been compliant with her treatment at SATU. Petitioner participates in individual counseling at SATU on a weekly and sometimes biweekly basis. Petitioner's treater supports her in seeking reinstatement of her registered nurse license. Board Exh. A; Transcript, February 15, 2006, p. 10.
4. Since 2001, petitioner has continued to engage in treatment with a psychiatrist at SATU for a mood disorder (depression and anxiety), for which she is being prescribed Lamictal. Board Exh. A; Transcript February 15, 2006, p. 14.
5. Petitioner has participated in random voluntary urine and breathalyzer drug screening. Since December 2003, all results have been negative for the presence of drugs. Board Exh. A.
6. Petitioner has been an active participant in both Narcotics Anonymous, for which she has had a sponsor since 2001, and the 12 Step Club in Hamden, Connecticut. Board Exh. A; Transcript, February 15, 2006, pp. 6, 9, 13.
7. Since March 2003, petitioner has been employed at Coastline Medical & Therapy Center in West Haven, Connecticut. Petitioner works in the marketing department and as a patient advocate. Petitioner's employer indicates that petitioner has continued to be an integral part of its facility and has consistently met the objectives set for her. Board Exh. A.
8. Since June 2004, petitioner has also been employed at the Sawyer School in Hamden, Connecticut. Petitioner teaches courses in Medical and Laboratory Sciences to medical assistant students. Petitioner's employer indicates that petitioner consistently meets the objectives set for her. Board Exh. A; Resp. Exh. 1.

#### *Discussion and Conclusions of Law*

As stated in the Notice of Hearing, petitioner has the burden of satisfying the Board that she is able to practice as a registered nurse with reasonable skill and safety. The petitioner in support of her application for reinstatement presented 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.

The Board finds that the 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 under the terms of the Order described below.

### ***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. The registered nurse license, No. E51287, of petitioner, Elizabeth D'Agostino, shall be reinstated to probationary status subject to the following conditions.
  - A. Petitioner shall successfully complete a Board approved registered nurse refresher program. Petitioner may administer controlled substances as part of the registered nurse refresher program provided she receives direct supervision from a nursing instructor.
  - B. Certification of successful completion of the refresher program cited in Paragraph 1A shall be submitted to the Board, directly from the educational institution where said program was taken, within thirty (30) days of the program's completion.
  - C. Until such time that petitioner successfully completes the refresher program, petitioner is prohibited from practicing as a nurse and petitioner's registered nurse license will be restricted and used for the sole purpose of participating in the refresher program.
2. Petitioner's registered nurse license No. E51287, shall be placed on probation for a period of four (4) years commencing on the date petitioner is notified by the Department of Public Health that her license has been reinstated subsequent to completion of the refresher program.
3. If any of the following conditions of probation are not met, petitioner's registered nurse license may be subject to disciplinary action pursuant to § 19a-17 of the General Statutes of Connecticut.
  - A. During the period of probation the Board shall pre-approve petitioner's employment and/or change of employment within the nursing profession. Petitioner shall not be employed as a nurse 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 nurse for the period of probation.

- B. Petitioner shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
- C. Petitioner shall not administer, count or have access to controlled substances, or have responsibility for such activities in the course of nursing duties during the first year of working as a nurse during the probationary period.
- D. If employed as a nurse; petitioner shall cause employer reports to be submitted to the Board, by her immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of the month following employment as a nurse. Employer reports shall be submitted monthly during the first and fourth years of probation, and quarterly during the second and third years of probation.
- E. The employer reports cited in Paragraph 3D above shall include documentation of petitioner's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph 3P below.
- F. Should petitioner's employment as a nurse be involuntarily terminated or suspended, petitioner and her employer shall notify the Board within seventy-two (72) hours of such termination or suspension.
- G. If petitioner pursues further training in any subject area that is regulated by the Department, petitioner shall provide a copy of this Memorandum of 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 Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph 3P below.
- H. At her expense, petitioner shall engage in therapy and counseling for chemical dependency with a Connecticut licensed or certified therapist, approved by the Board and the Department, during the entire period of probation.
- I. Petitioner shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by his therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.

- J. Petitioner shall cause evaluation reports to be submitted to the Board by her therapist during the entire probationary period. Therapist reports shall be submitted monthly during the first and fourth years of probation, and quarterly during the second and third years of probation.
- K. The therapist reports cited in Paragraph J above shall include documentation of dates of treatment, and an evaluation of petitioner's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph 3P below.
- L. (1) At her expense, petitioner shall be responsible for submitting to observed random chain of custody urine screens for alcohol and drugs for the entire probationary period, at a testing facility approved by the Board, after consultation with the Department, as ordered by her therapist, and/or personal physician, and/or employer. Alcohol/drug screening may also be ordered by the Board to ensure compliance with this Order. Random alcohol/drug screens shall be legally defensible in that specimen donor and chain of custody can be identified throughout the screening process.
- (2) Petitioner shall be responsible for notifying the laboratory, her therapist, the Board, the Department and her prescribing practitioner of any drug(s) she is taking. For any prescription of a controlled substance(s) for more than two consecutive weeks, the petitioner shall cause the provider prescribing the controlled substance(s) to submit quarterly reports to the Board and the Department until such time as the controlled substance(s) are no longer prescribed. The reports shall include the following:
1. A list of controlled substances prescribed by this provider for the petitioner;
  2. A list of controlled substance(s) prescribed by other providers;
  3. An evaluation of the petitioner's need for the controlled substance;
  4. An assessment of the petitioner's continued need for the controlled substance(s).
- (3) There must be at least one (1) such random alcohol/drug screen weekly during the first and fourth years of the probationary period. There must be at least two (2) such random alcohol/drug screens monthly during the second and third years of the probationary period.
- (4) Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

- (5) Random alcohol/drug screens must include testing for the following substances:

Amphetamines	Methadone
Barbiturates	Methaqualone
Benzodiazepines	Opiates (Metabolites)
Cannabinoids (THC Metabolites)	Phencyclidine (PCP)
Cocaine	Propoxyphene
Meperidine (Demerol)	Ethanol (alcohol)

- (6) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Board and the Department, at the address cited in Paragraph P below, by petitioner's therapist, personal physician or the testing laboratory.

- M. Petitioner shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications. Petitioner shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.
- N. Petitioner is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substance containing poppy seeds should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.
- O. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- P. All correspondence and reports are to be addressed to:

**Bonnie Pinkerton, RN, 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. That any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, 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 General Statutes of Connecticut, including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take subsequent action. The Board of Examiners for

Nursing 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 Office of Practitioner Licensing and Certification of the Department of Public Health or the Board of Examiners for Nursing).

5. That this Memorandum of Decision becomes effective on the date signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs petitioner, Elizabeth D'Agostino, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 21st day of June 2006.

BOARD OF EXAMINERS FOR NURSING

By  \_\_\_\_\_



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

January 26, 2011

Elizabeth D'Agostino, RN  
170 Canton Street  
Apt. #10  
West Haven, CT 06516

Re: Memorandum of Decision  
Petition No. 2005-0928-010-075  
License No. E51287

Dear Ms. D'Agostino:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective December 12, 2010.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Please be certain to retain a copy of this letter as documented proof that you have completed your license probation.

Very truly yours,

Bonnie Pinkerton, RN, Nurse Consultant  
Practitioner Licensing and Investigations Section

cc: J. Filippone  
J. Wojick



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