

Toni Sawyer
 225 Riverdale Road
 Orange, CT 06477

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

State of Connecticut
 Department of Public Health
 vs.
 Toni Sawyer, RN
 Registered Nurse License No. E52110
 Respondent.

CASE PETITION NO. 950920-10-090

MEMORANDUM OF DECISION

PROCEDURAL BACKGROUND

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health (hereinafter the "Department") with a Statement of Charges and Motion for Summary Suspension dated September 26, 1995 (Department Exhibit 1-I5). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Toni Sawyer (hereinafter the "Respondent") which would subject the Respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

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 presented a clear and immediate danger to public health and safety. On September 27, 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-I7).

The Board scheduled a hearing for October 17, 1995. The hearing was continued at the Respondent's request and took place on February 21, 1996, in Room B-120, Department of Public Health, 150 Washington Street, Hartford, Connecticut. (Department Exhibit 1-I1)

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. Toni Sawyer, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E52110 on August 24, 1989. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-G)
2. The Respondent was given due notice of the hearing and charges against her. Department Exhibit 1-I indicates that the Summary Suspension Order, Statement of Charges, Notice of Hearing, and Notice Continuance of Formal Hearing were mailed to the Respondent by certified mail.
3. The Respondent was present during the hearing but was not represented by counsel. (Hearing Transcript, February 21, 1996, p. 2)
4. During the hearing the Respondent orally answered the Statement of Charges. (Hearing Transcript, February 21, 1996, p. 5)
5. Beginning on or about March 1992, the Respondent was employed as a registered nurse St. Vincent's Medical Center, Bridgeport, Connecticut. (Respondent's Exhibit A)

6. From on or about March 1995 to July 1995, inclusive of July 12 - 16, 18, and 19, 1995 while working as a registered nurse at St. Vincent's Medical Center, the Respondent diverted from the delivery room for her own personal use, the medication Nubain. (Department Exhibit 1-A, 1-B)
7. The Respondent diverted between 3 and 10 vials of Nubain 10mg. per shift while working in the delivery room at St. Vincent's Hospital. (Department Exhibit 1-B3)
8. The Respondent used the Nubain she diverted from St. Vincent's Medical Center to obtain relief from pain associated with migraine headaches. (Department Exhibit 1-B)
9. Beginning on or about July 19, 1995, the Respondent has undergone in-patient and individual treatment for chemical dependency, and has been participating in Alcoholics Anonymous and the support group Nurses for Nurses. (Respondent's Exhibit A) (Hearing Transcript, February 21, 1996, pp. 4-8)

DISCUSSION AND CONCLUSIONS

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

Toni Sawyer 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 legal notice 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).

PARAGRAPH 3 of the Statement of Charges alleges that on or about March 1995 and subsequent thereto, including July 12, 16, 18, and 19, 1995, while working as a registered nurse at St. Vincent's Medical Center, Bridgeport, Connecticut, the Respondent diverted the medication Nubain.

PARAGRAPH 4 of the Statement of Charges alleges that the Respondent has abused or excessively used the medication Nubain.

The Respondent admits these charges. (Hearing Transcript, February 21, 1996, p. 5)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in performing usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as alleged in Paragraphs 3 and 4 of the Statement of Charges is proven and that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2) and (5). 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 Summary Suspension of the Respondent's registered nurse license, No. E52110, ordered on September 27, 1995, is vacated on the effective date of this Memorandum of Decision.
2. That for Paragraphs 3 and 4 of the Statement of Charges, the Respondent's registered nurse license, No. E52110, is placed on probation for a period of four (4) years.

3. If any of the following conditions of probation are not met, the Respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - A. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. Said employer shall notify the Board in writing, within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
 - B. Should the Respondent change employment during the probationary period, she shall provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board in writing, within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
 - C. The Respondent shall not administer, count or have access to medications, 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. The Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or any home health care agency and shall not be self-employed as a nurse during the period of her probation.
 - E. If employed as a nurse during the probationary period, the Respondent shall perform nursing duties under the direction of a supervising registered nurse.
 - F. The Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period. Employer reports shall commence with the report due on the first day of the month following her employment as a nurse.

- G. The employer reports cited in Paragraph F above shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be issued to the Board at the address cited in Paragraph S below.
- H. Should the Respondent's employment as a nurse be voluntarily or involuntarily terminated, the Respondent's employer shall notify the Board, within seventy-two (72) hours, of such termination.
- I. At her own expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist during the entire period of probation.
- J. The Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- K. The Respondent shall cause monthly evaluation reports to be submitted to the Board by her therapist during the entire probationary period. Therapist reports are due commencing with the report due October 1, 1996.
- L. The therapist reports cited in Paragraph K above shall include documentation of dates of treatment, and an evaluation of the Respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be issued to the Board at the address cited in Paragraph S below.
- M. At her own expense the Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by her therapist, and/or personal physician, and/or the Board of Examiners for Nursing.

- N. Random alcohol/drug screens shall be legally defensible in that chain of custody procedures must be followed throughout the screening process. The Respondent shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she is taking.

There must be at least one (1) such random alcohol/drug screen monthly during the entire probationary period, with the following exception:

1. For the six month period immediately following the resumption of medication administration activities, there must be at least two (2) random alcohol/drug screens monthly.

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.

Random alcohol/drug screens must include testing for the following substances:

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

Reports of random alcohol and drug screens shall be submitted directly to the Board, at the address cited in Paragraph S below, by the Respondent's therapist or personal physician or the testing laboratory. Reports of said random alcohol/drug screens are due on the first day of the month commencing with the reports due on October 1, 1996.

- O. The Respondent 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, and the Respondent shall not abuse and/or excessively use alcohol and/or drugs. Any use of prescribed medications for the treatment of a medical condition shall be confirmed in writing, to the Board, by the prescribing practitioner.
- P. The Respondent 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.
- Q. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- R. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- S. All correspondence and reports are to be addressed to:

BOARD OF EXAMINERS FOR NURSING
DEPARTMENT OF PUBLIC HEALTH
410 Capitol Avenue, MS #12NUR
P. O. Box 340308
Hartford CT 06134-0308

- 4. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order and will subject the Respondent 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 action at a later time. 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 the Respondent's address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health or the Board of Examiners for Nursing).

5. This Memorandum of Decision becomes effective, and the four (4) year probation of the Respondent's registered nurse license shall commence, on September 1, 1996.

The Board of Examiners for Nursing hereby informs the Respondent, Toni Sawyer and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 28th day of August 1996.

BOARD OF EXAMINERS FOR NURSING

By 

SAWYER.DOC



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

September 1, 2000

Toni Sawyer, RN
225 Riverdale Road
Orange, Connecticut 06477

Re: Memorandum of Decision
Petition No. 950920-010-090
License No. [REDACTED] ES2110
DOB [REDACTED]

Dear Ms. Sawyer:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective 9/1/2000.

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.

Thank you for your cooperation during this process.

Very truly yours,

Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: D. Tomassone
J. Wojick



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