

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

Department of Public Health and Addiction Services v.

Robert Barrows, R.N.

Registered Nurse License No. E52610

103 Skinner Drive

New Britain, Connecticut 06053

CASE PETITION NO. 940209-10-014

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 dated October 5, 1994 (Department Exhibit 1-A4). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Robert Barrows (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated December 7, 1994 scheduling a hearing for March 22, 1995 (Department Exhibit 1-A3). The hearing took place on March 22, 1995 at the Department of Public Health and Addiction Services, Second Floor Hearing Room, 20 Trinity Street, Hartford, Connecticut.

During the hearing the Department verbally amended the Statement of Charges Paragraph 2 by changing "May of 1989" to "March of 1990," and Paragraph 3 by changing "July" to "December." (Hearing Transcript, March 22, 1995, pp. 6-7)

During the hearing the Respondent presented a Motion for Order Without Oral Testimony.

(Respondent's Exhibit B) Without objection from the Department, the Board granted the Respondent's Motion that the Board render a decision in this matter by ordering probation of the Respondent's registered nurse license. Said decision would be based on the Respondent's Answer to the Statement of Charges, as amended, and the Board's review of the documentary evidence presented during the hearing, thereby foregoing the presentation of oral testimony. (Hearing Transcript, March 22, 1995, pp. 4-6)

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, the law, and the Board's professional knowledge in evaluating the evidence.

FACTS

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

1. Robert Barrows, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E52610 on March 19, 1990 and was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1-F)
2. Pursuant to the General Statutes of Connecticut, §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 license. (Department Exhibit 1-A)
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 1-B indicates that the Notice of Hearing and Statement of Charges were delivered by certified mail to the Respondent's address of record.
4. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, March 22, 1995, p.2).

5. During the hearing the Respondent submitted a written answer to the Statement of Charges.
(Respondent's Exhibit A-1)
6. That on or about March of 1990 and subsequent thereto the Respondent worked as a registered nurse at New Britain General Hospital, New Britain, Connecticut. (Respondent's Exhibit A-I, A-III)
7. That on or about December 1992, while working as a registered nurse in the Intensive Care Unit at New Britain General Hospital, the Respondent diverted the controlled substance Morphine.
(Respondent's Exhibit A-III)
8. That the Respondent abused the Morphine which he diverted from New Britain General Hospital.
(Respondent's Exhibit A-III)
9. That from on or about July 6, 1993 to on or about September 15, 1993 the Respondent was admitted to a chemical dependency treatment program at Blue Ridge, Hartford, Connecticut. (Respondent's Exhibit A-VI)
10. That on or about December 1993 while working as a registered nurse at New Britain General Hospital, the Respondent diverted the medication Nubain from hospital stock. (Department Exhibit 1-C) (Respondent's Exhibit A-I, A-III)
11. That the Respondent abused the medication Nubain which he diverted from New Britain General Hospital. (Answer: Respondent's Exhibit A-I)
12. That on or about December 1993 while working as a registered nurse at New Britain General Hospital, the Respondent failed to make complete, proper or accurate entries in medical or hospital records, and falsified one or more Controlled Substance Receipt Records. (Answer: Respondent's Exhibit A-I)

13. That from on or about January 11, 1994 to on or about June 23, 1994 the Respondent underwent chemical dependency treatment at Elmcrest Hospital, Portland, Connecticut. (Respondent's Exhibit A-VI)
14. That the Respondent continues to receive treatment and counseling for chemical dependency. (Respondent's Exhibit A-IV)

DISCUSSION AND CONCLUSIONS

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

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

The Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut §4-177 and §4-182.

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 his license as required by the General Statutes of Connecticut §4-182(c).

PARAGRAPH 3 of the Statement of Charges, as amended, alleges that on or about December 1993 while working as a registered nurse at New Britain General Hospital, New Britain, Connecticut, the Respondent:

- "a. diverted Nubain;
- b. abused or utilized to excess one or more of said medications;
- c. failed to make complete, proper or accurate entries in medical or hospital records; and/or
- d. falsified one or more Controlled Substance Receipt Records."

The Respondent admits these charges. (Answer: Respondent's Exhibit A-1)

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 carrying out usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals... (6) fraud or material deception in the course of professional services or activities...."

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as specified in the Statement of Charges, Paragraph 3, as amended, is proven and are violations of the General Statutes of Connecticut §20-99(2), (5) and (6). 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 for Paragraph 3 of the Statement of Charges, as amended, the Respondent's registered nurse license, No. E52610, is placed on probation for a period of five (5) years.
2. 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. The Board shall be notified in writing by his employer(s), within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
 - B. Should the Respondent change employment during the probationary period, he shall provide a copy of this Memorandum of Decision to his employer and said employer shall notify the Board, within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.

- C. The Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency and shall not be self-employed as a nurse during the period of his probation.
- D. 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 the probationary period.
- E. The Respondent shall cause monthly employer reports to be submitted to the Board by his immediate supervisor, if employed as a nurse, for the entire probationary period.
- F. The employer reports cited in Paragraph E 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 P below and shall commence with the report due September 1, 1995.
- G. At his own expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist for the entire period of probation.
- H. The Respondent shall provide a copy of this Memorandum of Decision to his 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.
- I. The Respondent shall cause monthly therapy reports to be submitted to the Board by his therapist, commencing on September 1, 1995, for the entire probationary period.
- J. The therapist reports cited in Paragraph I 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 P below.

K. At his 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 his therapist, and/or personal physician, and/or the Board of Examiners for Nursing. Said 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, his therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) he is taking. There must be at least two random alcohol/drug screens monthly during the first, second and fifth years of the probationary period and at least one random alcohol/drug screen monthly during the third and fourth years of the probationary period. Reports of said random alcohol/drug screens are due monthly commencing with reports due on September 1, 1995.

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 P below, by the Respondent's therapist or personal physician or the testing laboratory.

L. The Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for him, 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.

M. 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 substances 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.

N. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.

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:

BOARD OF EXAMINERS FOR NURSING
Department of Public Health and Addiction Services
150 Washington Street
Hartford CT 06106

3. 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 his license. Any extension of time or grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut 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 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 and Addiction Services or the Connecticut Board of Examiners for Nursing.)

4. This Memorandum of Decision becomes effective and the five (5) year probation of the Respondent's registered nurse license shall commence on July 15, 1995.

The Board of Examiners for Nursing hereby informs the Respondent, Robert Barrows, 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.

BOARD OF EXAMINERS FOR NURSING

By Mary E. O'Hanley

1043Q



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

July 15, 2000

Robert Barrows, RN
23 Washington Road
Cromwell, Connecticut 06416

Re: Consent Order
Petition No. 940209-010-014
License No. E52610
DOB: [REDACTED]

Dear Mr. Barrows:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective 7/15/2000.

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,

A handwritten signature in cursive script that reads "Bonnie Pinkerton".

Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: D. Tomassone
J. Wojick



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