

Barbara Steiner
12 Vartelas Drive
Uncasville, CT 06382

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

State of Connecticut
Department of Public Health
vs.
Barbara Steiner, RN
Registered Nurse License No. E52653
Respondent.

CASE PETITION NO. 930216-10-014
MEMORANDUM OF DECISION

PROCEDURAL BACKGROUND

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services¹ (hereinafter the "Department") with a Statement of Charges and Motion for Summary Suspension dated May 12, 1993 (Department Exhibit 1-B). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Barbara Steiner (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 May 13, 1993, 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-B).

¹ During May 1993 the Department of Public Health was known as the Department of Health Services.

The Board issued a Notice of Hearing dated May 13, 1993, scheduling a hearing for May 26, 1993 (Department Exhibit 1-B). The Respondent, with counsel, appeared before the Board on May 26, 1993, in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut, at which time the Respondent's request for a continuance was granted (Hearing Transcript, May 26, 1993). Subsequent to May 26, 1993, numerous continuances were granted at the Respondent's request (Department Exhibits 1-C, 1-D). The hearing took place on December 18, 1996, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

During the hearing on December 18, 1996, the Department orally amended the Statement of Charges by withdrawing Paragraph 2 of the Second Count. (Hearing Transcript, December 18, 1996, p. 3)

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 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. Barbara Steiner, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E52653 on March 19, 1990. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-A)
2. The Respondent was given due notice of the hearing and charges against her. Department Exhibit 1-B indicates that the Summary Suspension Order, Statement of Charges and Notice of Hearing were delivered to the Respondent by certified mail on May 19, 1993.
3. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, December 18, 1996, p. 2)

4. The Respondent submitted a written answer to the Statement of Charges. (Department Exhibit 1-E)
5. Pursuant to a Consent Order dated February 27, 1991, the Respondent's registered nurse license was placed on probation for a period of two (2) years effective March 1, 1991. The probation was ordered due to the Respondent obtaining medication with fraudulent prescriptions. (Department Exhibit 1-F)
6. Conditions of probation included the requirement that the Respondent submit to random chain of custody alcohol/drug screening, the results of which were to be negative for the presence of alcohol and drugs. (Department Exhibit 1-F2) (Hearing Transcript, December 18, 1996, pp. 77-78)
7. On or about December 11, 1992 the Respondent submitted a urine specimen for alcohol/drug screening. The results of the screening were confirmed positive for the presence of Benzodiazepines. (Board Exhibit 1) (Department Exhibit 2) (Hearing Transcript, December 18, 1996, p. 129)
8. On or about February 19, 1993 the Respondent submitted a urine specimen for alcohol/drug screening. The results of the screening were confirmed positive for the presence of Benzodiazepines. (Board Exhibit 3) (Department Exhibit 5) (Hearing Transcript, December 18, 1996, p. 129-130)

DISCUSSION AND CONCLUSIONS

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

Barbara Steiner 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 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).

The FIRST COUNT PARAGRAPH 3 of the Statement of Charges alleges that while subject to conditions of probation of her registered nurse license, pursuant to a Consent Order dated February 27, 1991, the Respondent did not satisfy the condition of probation that random alcohol/drug screens be negative.

The Respondent denies this charge. (Answer: Department Exhibit 1-E)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession.

The Board found that urine specimens the Respondent submitted for alcohol/drug screening on or about December 11, 1992 and February 19, 1993 were confirmed positive for the presence of Benzodiazepines. Based on its findings, the Board concludes that the Respondent's conduct as alleged in the First Count Paragraph 3 of the Statement of Charges is proven and that said conduct constitutes a violation of the probation of the Respondent's registered nurse license as set forth in a Consent Order dated February 27, 1991. Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The SECOND COUNT of the Statement of Charges, as amended, alleges that the Respondent's unauthorized use of the controlled substance Benzodiazepines between December 1992 and February 1993 constitutes abuse of drugs.

The Respondent denies this charge. (Answer: Department Exhibit 1-E)

The Board concludes that insufficient evidence was presented to prove this charge. Therefore, the Second Count of the Statement of Charges, as amended, is dismissed.

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. E52653, ordered on May 13, 1993, is vacated on the effective date of this Memorandum of Decision, subject to the following conditions. If any of the following conditions 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. Prior to resuming employment as a nurse the Respondent shall successfully complete a Board approved registered nurse refresher program.
 - B. Certification of successful completion of the refresher program cited in A above 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 the Board is notified of the Respondent's successful completion of the refresher program, the Respondent's registered nurse license will be restricted and used for the sole purpose of participating in the refresher program.
 - D. Subsequent to successful completion of registered nurse refresher program cited in A above, the Board shall pre-approve the Respondent's employment within the nursing profession.
 - E. Upon commencement of employment as a nurse, the Respondent's registered nurse license No. E52653 shall be placed on probation for a period of two (2) years.

- F. 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 any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.

- G. During the two (2) year probationary period the Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor. Employer reports shall commence with the report due on the first business day of the month following employment as a nurse.

- H. The employer reports cited in Paragraph G above shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph L below.

- I. Should the Respondent's employment as a nurse be voluntarily or involuntarily terminated, the Respondent and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.

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

- K. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.

- L. All correspondence and reports are to be addressed to:

**DEPARTMENT OF PUBLIC HEALTH
BOARD OF EXAMINERS FOR NURSING
LEGAL OFFICE - MONITORING & COMPLIANCE
410 Capitol Avenue, MS #12LEG
P. O. Box 340308
Hartford, CT 06134-0308**

2. Any deviation from the terms of this Memorandum of Decision, without prior written approval by the Board of Examiners for Nursing, will be cause for an immediate hearing on charges of violating this Order. Any finding that the Respondent has violated this Order 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 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 the Respondent's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).

3. 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 the Respondent, Barbara Steiner, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 16th day of April 1997.

BOARD OF EXAMINERS FOR NURSING

By 