

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

Russell Neitlich, R.N.

License No. E52805

6D Franklin Square

Randolph MA 02368

CASE PETITION NO. 920914-10-046

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services* (hereinafter the "Department") with a Statement of Charges dated June 9, 1993. (Department Exhibit 1) The Statement of Charges alleged, in one (1) count, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Russell Neitlich (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated June 17, 1993 scheduling a hearing on September 23, 1993. (Department Exhibit 1) The hearing took place on September 23, 1993 in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

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 their specialized professional knowledge in evaluating the evidence.

* Prior to July 1, 1993 the Department of Public Health and Addiction Services was known as the Department of Health Services.

FACTS

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

1. Russell Neitlich, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E52805 on September 6, 1990 and was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 3)
2. Pursuant to the General Statutes of Connecticut, Section 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 2)
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered by certified mail to the Respondent.
4. The Respondent was present during the hearing but was not represented by counsel. (Hearing Transcript, September 23, 1993, pp. 3-4)
5. During the hearing the Respondent verbally answered the Statement of Charges. (Hearing Transcript, September 23, 1993, pp. 7-8)
6. That during June 1992 and at times subsequent thereto, the Respondent worked as a registered nurse at Yale-New Haven Hospital, New Haven, Connecticut. (Department Exhibit 5)
7. That while employed as a registered nurse at Yale-New Haven Hospital during and subsequent to June 1992 the Respondent diverted for his own use the controlled substances Meperidine and Morphine. (Department Exhibit 5)

8. That while employed as a registered nurse at Yale-New Haven Hospital during and subsequent to June 1992 the Respondent fraudulently completed one or more controlled substance proof of use sheets by indicating that unused portions of patient medications were "wasted" when in fact the Respondent diverted the unused medication to his own use. (Department Exhibit 5)
9. That on August 17, 1992 while working as a registered nurse at Yale-New Haven Hospital the Respondent was relieved of duty due to appearing to be impaired from the use of narcotics. (Department Exhibit 5)
10. That since on or about October 1992 the Respondent has participated in a support group at Pembroke Hospital, Pembroke, Massachusetts for health care professionals recovering from chemical dependency. (Respondent Exhibits A and B)
11. That the Respondent is currently employed at Westwood Lodge Hospital, Westford, Massachusetts. (Hearing Transcript, September 23, 1993, p. 11)

DISCUSSION AND CONCLUSIONS

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

Russell Neitlich 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 Sections 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 his license as required by the General Statutes of Connecticut Section 4-182(c).

The FIRST COUNT PARAGRAPH 3 of the Statement of Charges alleges that during June 1992 and/or at subsequent times, while working as a nurse at Yale-New Haven Hospital, New Haven, Connecticut, the Respondent:

- "a. diverted the controlled substances Meperidine and/or Morphine;
- b. abused or utilized to excess one or more of said medications;
- c. falsified one or more Controlled Substance Receipt Records."

The Respondent admits these charges. (Answer: Hearing Transcript, September 23, 1993, p. 8)

The General Statutes of Connecticut, Section 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 First Count Paragraph 3 is proven and that said conduct violates the General Statutes of Connecticut Section 20-99(b)(2), (5) and (6). Therefore, the Respondent is subject to disciplinary action pursuant to the General Statutes of Connecticut.

ORDER

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

1. That for the First Count the registered nurse, license No. E52805, of the Respondent be placed on probation for a period of four (4) years.
2. If any of the following conditions of probation are not met, the Respondent's license may be immediately revoked:
 - A. He 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 as to receipt of a copy of this Memorandum of Decision.
 - B. Should the Respondent change employment at any time during the probationary period, he shall provide a copy of this Memorandum of Decision to his employer and said employer shall notify the Board in writing, 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 for the period of his probation.
 - D. He shall cause monthly employer reports to be submitted to the Board by his nursing supervisor (i.e. Director of Nursing) during the first year of probation. Monthly employer reports are due on the first business day of the month and shall commence with the report due December 1, 1993.

- E. He shall cause bi-monthly employer reports to be submitted to the Board by his nursing supervisor (i.e. Director of Nursing) during the second, third and fourth years of probation. Bi-monthly employer reports are due on the first business day of January, March, May, July, September and November. Bi-monthly reports shall commence with the report due November 1, 1994.
- F. Said reports cited in D and E above, shall include documentation of his ability to safely and competently practice nursing. Said reports shall be issued to the Board at the address listed in paragraph P below.
- G. At his own expense, the Respondent shall engage in counseling with a licensed or certified therapist for the entire period of probation.
- H. He 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, as to receipt of a copy of this Memorandum of Decision.
- I. He shall cause monthly reports to be submitted to the Board by his therapist during the first year of probation. Monthly therapist reports are due on the first business day of the month commencing with the report due December 1, 1993.
- J. He shall cause bi-monthly reports to be submitted to the Board by his therapist during the second, third and fourth years of probation. Bi-monthly therapist reports are due on the first business day of January, March, May, July, September and November. Bi-monthly reports shall commence with the report due November 1, 1994.

- K. Said reports cited in I and J above, shall include documentation of dates of treatment and an evaluation of his progress and alcohol and drug free status. Said reports shall be issued to the Board at the address cited in paragraph P below.
- L. He 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. Said screens shall be legally defensible in that the specimen donor and chain of custody must be identified throughout the screening process. He shall be responsible for 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 one such alcohol/drug screen bi-weekly during the first year of probation; monthly during the second year of probation and bi-monthly during the third and fourth years of probation.

Said 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.

Reports of random alcohol and drug screens shall be submitted directly to the Board by the Respondent's therapist or personal physician or the testing laboratory.

Reports of said random alcohol/drug screens are due monthly, commencing December 1, 1993, during the first and second years of probation and bi-monthly, commencing January 1, 1996, during the third and fourth years of probation.

- M. He 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.
- 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. Any correspondence and reports are to be addressed to:

OFFICE OF THE 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 the General Statutes of Connecticut Section 19a-17(a) and (c) 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 his 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 four (4) year probation period of the Respondent's license shall commence on November 5, 1993.

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

Dated at Hartford, Connecticut, this 4th day of November, 1993.

BOARD OF EXAMINERS FOR NURSING

By Janice A. Thibodeau



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

November 3, 1997

Russell Neitlich
1901 Village Road West
Norwood, MA 02062

RE: Registered Nurse License No. E52805

Dear Mr. Neitlich:

Please be advised that you have successfully fulfilled the terms of probation of your registered nurse license. The probationary status of your license will be removed with an effective date of November 5, 1997.

Should you have any questions concerning this matter, please contact me at 860-509-7400.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jeffrey A. Kardys".

Jeffrey A. Kardys
Special Investigator
Health Systems Regulation

JAK:

PROBEND.DOC

cc: Debra Tomassone, HSS, Licensure & Registration
Bonnie Pinkerton, Nurse Consultant, Health Systems Regulation



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