

Jennifer Holzman
65 New Road
Avon, Connecticut 06001

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

State of Connecticut
Department of Public Health
vs.
Jennifer Holzman, RN
Registered Nurse License No. E52922
Respondent.

CASE PETITION NO. 980507-010-034
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 dated November 27, 1995. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Jennifer Holzman (hereinafter "respondent") which would subject respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut. The Board issued a Notice of Hearing dated November 29, 1995 (Dept. Ex. 1-D).

A hearing was held on April 24, 1996, in the Town Council Chambers, Wethersfield Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut. Subsequent to the hearing, the court reporting service did not produce a transcript, thereby the Board was unable to render a decision in Petition No. 950823-10-081.

The Department refiled the Statement of Charges on May 15, 1998, under Petition No. 980507-010-034. The Board issued a Notice of Hearing dated May 20, 1998, scheduling a hearing for June 17, 1998 (Dept. Ex. 1-A).

The hearing took place on June 17, 1998, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing but was not represented by counsel (Hearing Transcript, June 17, 1998).

Respondent submitted a written Answer to the Statement of Charges (Dept. Ex. 1-D9) (Hearing Transcript, June 17, 1998, pp. 5-6).

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 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. Respondent was issued Registered Nurse License Number E52922 on September 9, 1990. Respondent was the holder of said license at all times referenced in the Statement of Charges (Dept. Ex. 1-D9).
2. Beginning on or about June 1990, respondent was employed as a registered nurse at Saint Francis Hospital, Hartford, Connecticut (Dept. Ex. 1-D9).
3. On or about August 14, 1995, while working as a registered nurse at Saint Francis Hospital, respondent diverted a blister pack containing twenty-five (25) capsules of the controlled substance Tylox. Respondent removed three (3) capsules for her own personal use and discarded the remaining capsules and the accompanying controlled drug receipt record in the trash. Respondent used the Tylox to self-medicate for pain associated with a chronic medical condition (Dept. Ex. 1-A, 1-D, 1-E).

Conclusions of Law and Discussion

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

Jennifer Holzman 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 provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided 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 Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 3 of the Statement of Charges alleges that on or about August 14, 1995, while working as a registered nurse at Saint Francis Hospital, Hartford, Connecticut, respondent:

- a. diverted a blister pack of Tylox containing twenty-five (25) capsules;
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
- c. falsified one or more Controlled Substance Receipt Records.”

Respondent admits these charges (Answer: Dept. Ex. 1-D9).

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. . .(6) fraud or material deception in the course of professional services or activities. . . .”

Based on its findings and respondent’s admission, the Board concludes that respondent’s conduct as alleged in Paragraph 3 of the Statement of Charges is proven and that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2) and (6). Therefore, respondent’s license 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:

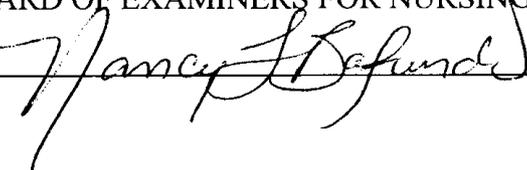
1. For Paragraph 3 of the Statement of Charges, respondent’s registered nurse license, No. E52922, is placed on probation for a period of two (2) years. Said probation is retroactive to April 1996.
2. This Memorandum of Decision becomes effective on the date signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, Jennifer Holzman, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Wethersfield, Connecticut this 7th day of April 1999.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, appearing to read "Nancy J. Befunde", written over a horizontal line.

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