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STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

John Dikov, R.N.

Registered Nurse License No. E53199

100 Mark Lane, Unit H4

Waterbury, CT 06704

CASE PETITION NO. 940628-10-065

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 and a Motion for Summary Suspension dated June 28, 1994. (Department Exhibit 1) The Statement of Charges, in two (2) counts, alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by John Dikov (hereinafter the "Respondent").

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 represented a clear and immediate danger to public health and safety. On June 29, 1994, the Board ordered, pursuant to its authority under §19a-17 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)

The Board issued a Notice of Hearing dated June 29, 1994 scheduling a hearing for July 13, 1994. (Department Exhibit 1) The hearing scheduled for July 13, 1994 was continued at the Respondent's request and took place on November 30, 1994 in Room 2-B, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. (Department Exhibit 1) (Hearing Transcript, November 30, 1994, p. 3)

During the hearing on November 30, 1994 the Department verbally amended Paragraph 2 of the Statement of Charges such that it reads "On or between January of 1994 and May of 1994, while working as a registered nurse at New Britain General Hospital, New Britain, Connecticut, respondent:". In addition, the Department verbally corrected typographical errors in the numbering of the paragraphs of the Statement of Charges. (Hearing Transcript, November 30, 1994, pp. 6-7)

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 his/her specialized 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. John Dikov, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E53199 on September 6, 1990 and was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-C)
2. The Respondent was aware of the time and location of the hearing. Department Exhibit 1 indicates that the Summary Suspension Order, the Notice of Hearing, Statement of Charges and Notice of Continuance of Formal Hearing were delivered by certified mail to the Respondent's address of record and the Respondent's attorney.
3. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, November 30, 1994, p. 2)
4. The Respondent submitted a written answer to the Statement of Charges. (Respondent's Exhibit A-1) During the hearing the Respondent verbally amended the Answer to the Statement of Charges to make it conform to the Statement of Charges as verbally amended by the Department. (Hearing Transcript, November 30, 1994, pp. 7-8)

5. That from on or about 1990 to on or about May 1992 the Respondent was employed as a registered nurse in the Intensive Care Unit at New Britain General Hospital, New Britain, Connecticut. (Department Exhibit 1-A) (Hearing Transcript, November 30, 1994, p. 15)
6. That beginning on or about May 1992 the Respondent was enrolled in the Nurse Anesthesia Program at the New Britain School of Nurse Anesthesia. (Department Exhibit 1-A) (Hearing Transcript, November 30, 1994, p. 15)
7. That the clinical portion of the Respondent's nurse anesthetist studies required him to work as a student registered nurse anesthetist in the Operating Room at New Britain General Hospital, New Britain, Connecticut. (Department Exhibit 1-A) (Hearing Transcript, November 30, 1994, p. 16)
8. That on or about 1991, while working as a registered nurse in the Intensive Care Unit at New Britain General Hospital the Respondent began to divert from hospital stock, for his own personal use, the controlled substance Morphine. (Hearing Transcript, November 30, 1994, pp. 18, 38)
9. That between on or about 1991 and 1994 the Respondent used the controlled substances Morphine and Marijuana. (Hearing Transcript, November 30, 1994, p. 18)
10. That from on or about January 1994 to June 1994, while working as a student registered nurse anesthetist in the Operating Room at New Britain General Hospital, the Respondent diverted for his own personal use the controlled substances Fentanyl and Morphine. (Department Exhibit 1-A) (Hearing Transcript, November 30, 1994, pp. 18-19)
11. That on or about January 1994 the Respondent diverted Fentanyl and Morphine from the Operating Room at New Britain General Hospital on a weekly basis. The Respondent's use of Fentanyl and Morphine increased to the point that by June 1994 the Respondent diverted approximately 10-20 milligrams of Morphine and 200-300 micrograms of Fentanyl daily. (Department Exhibit 1-A) (Hearing Transcript, November 30, 1994, pp. 19-20, 51-52)

12. That while working as a student registered nurse at New Britain General Hospital, the Respondent diverted the Morphine and Fentanyl from the Operating Room by signing out more medication than was necessary for a procedure and then taking for his own use the medication which was not used. The Respondent would then falsify medication records by indicating that the medication he had diverted, was discarded. The Respondent also falsified medication administration records by indicating that medication he had diverted for his own use was administered to patients.  
(Department Exhibit 1-A) (Hearing Transcript, November 30, 1994, p. 20)
  
13. That the Respondent, while working as a student registered nurse anesthetist at New Britain General Hospital, filled syringes with Saline solution which he would then discard to simulate the discarding of unused Fentanyl or Morphine. (Hearing Transcript, November 30, 1994, pp. 21-22)
  
14. That the Respondent administered to himself, intravenously, the Morphine and Fentanyl which he diverted from the Operating Room at New Britain General Hospital. The Respondent testified that he used the Morphine and Fentanyl while at home or just prior to leaving work. (Hearing Transcript, November 30, 1994, pp. 20, 50-51) (Department Exhibit 1-A)
  
16. That the Respondent began chemical dependency treatment on or about June 20, 1994. The Respondent attends group therapy and participates in Alcoholics Anonymous and the support group Nurses for Nurses. (Department Exhibit 1-A) (Respondent's Exhibit A-III) (Hearing Transcript, November 30, 1994, pp. 60-65)

### DISCUSSION AND CONCLUSIONS

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

John Dikov 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 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).

The FIRST COUNT PARAGRAPH 2 of the Statement of Charges, as amended, alleges that on or between January 1994 and May 1994 while working as a registered nurse at New Britain General Hospital, New Britain, Connecticut, the Respondent:

- "a. Diverted Morphine and/or Fentanyl from hospital stocks for his own use;
- b. Falsified one or more patient controlled substance administration records;
- c. Falsified one or more controlled substance disposition records;
- d. Caused one or more patient accounts to be charged for controlled substances not administered to them.
- e. Abused and/or used to excess the control substances Morphine and/or Fentanyl;"

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

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 First Count Paragraph 2, as amended, is proven and that said conduct violates the General Statutes of Connecticut §20-99(b)(2), (5), and (6). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The SECOND COUNT PARAGRAPH 5 of the Statement of Charges, as amended, alleges that on or during June 1994 while participating as a Student Registered Nurse Anesthetist in New Britain General Hospital's nurse anesthetist training program, the Respondent:

- "a. Diverted Morphine and/or Fentanyl from hospital stocks for his own use;
- b. Falsified one or more patient controlled substance administration records;
- c. Falsified one or more controlled substance disposition records;
- d. Tampered with injectable doses of Morphine and/or Fentanyl;
- e. Caused one or more patient accounts to be charged for controlled substances not administered to them;
- f. Abused and/or used to excess the control substances Morphine and/or Fentanyl."

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

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 First Count Paragraph 5, as amended, is proven and that said conduct violates the General Statutes of Connecticut §20-99(b)(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 the First Count and the Second Count the Respondent's registered nurse license, No. E53199, be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Chairperson of the Board of Examiners for Nursing.

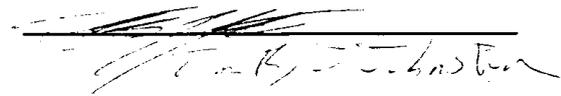
The Board of Examiners for Nursing finds the misconduct regarding the First Count and the Second Count is severable and each specific offense warrants the disciplinary action imposed.

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

Dated at Hartford, Connecticut this 22nd day of March, 1995.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in black ink, appearing to read "Frank J. Johnston", is written over a horizontal line.

0544Q