

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

Department of Public Health

Petition No. 2005-0120-010-005

vs.

Helen Satkunas, RN, Lic. No. E53220
Respondent

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 and Motion for Summary Suspension dated February 3, 2005. Dept. Exh. C. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Helen Satkunas (hereinafter "respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On February 16, 2005, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent's registered nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. B.

The Board issued a Notice of Hearing dated February 16, 2005, scheduling a hearing for March 2, 2005. Dept. Exh. B.

Respondent was provided notice of the hearing and charges against her. The Notice of Hearing and Statement of Charges were delivered by certified mail to respondent. Dept. Exh. B.

The hearing took place on March 2, 2005, at the Hartford Hospital – Newington Campus, 181 Patricia M. Genova Drive, Newington, Connecticut.

Respondent was present during the hearing and was not represented by counsel. Transcript, March 2, 2005, pp. 3-4.

During the hearing, the Department without objection from respondent amended the Statement of Charges by adding a second count relating to morphine abuse. Dept. Exh. A, Transcript, pp. 6-9.

Respondent submitted an oral Answer to the Statement of Charges. Transcript, pp. 14-18.

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 E53220 on September 6, 1990. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. C - tab B.
2. From July 1990 through January 2004, respondent was employed as a registered nurse at Waterbury Hospital, Waterbury, Connecticut. Dept. Exh. C-tab A; Transcript, p. 14.
3. Respondent was diagnosed as being clinically depressed after her divorce in 2002. Paxil was prescribed for her as a result of her depression. Transcript, p. 32.
4. In September of 2002, respondent began abusing Heroin because of her depression. By August of 2004, respondent was ingesting four to five bags of heroin every day. Dept. Exh. C-A5; Transcript, pp. 20, 29- 30.
5. In August of 2004, respondent began to detoxify herself by taking methadone without the supervision of a medical professional. Transcript, pp. 33-34; Dept. Exh. C-A52.
6. Waterbury Hospital utilizes a computerized automated medication distribution system known as "Pyxis." An examination of patient medical records and Pyxis usage reports revealed numerous discrepancies of which the following are examples: Dept. Exh. C- tab A.
 - a. On September 10, 2004, respondent withdrew 2mg/ml of morphine for patient DF. On the corresponding chart there is no indication that morphine was ordered or administered. Dept. Exh. C- tab A.
 - b. On September 27, 2004, respondent withdrew 2mg/ml of hydromorphone (Dilaudid) for Patient LCB. According to the patient's medical record, Dilaudid 1mg was ordered and administered by respondent. There is no indication that the second 1mg dose was administered or destroyed with the required co-signature of a second nurse. Dept. Exh. C- tab A.
 - c. On September 7, 2004, respondent signed out four tablets of Percocet for Patient RF. The section for discharge instructions on the first page of the chart is blank. The Percocet tablets for discharge should have been documented on this section. Dept. Exh. C- tab A.
 - d. On September 9, 2004, respondent signed out Oxycodone/APAP (Percocet) #4 tablets to Patient KG. There is a written order for "2 Percocets to go" on the chart. On the page marked for "Nursing Documentation," respondent wrote "Percocet 1 (one) po to go." Respondent could not explain this discrepancy. Dept. Exh. C- tab A.
7. On September 28, 2004, respondent ingested heroin, methadone, and Percocet before arriving to work at Waterbury Hospital. The Percocet was obtained from a prescription belonging to her ex-husband. While at work, respondent was noted to be impaired. After being approached by her supervisor, respondent was admitted to the Emergency Department for evaluation. Respondent submitted to a urine screen, which was positive for methadone and opiates. Dept. Exh. C-A4-5, C-A11, C-A52.

8. On or about October 14, 2004, respondent was admitted to the Turning Point intensive out-patient substance abuse program. Subsequently respondent began treatment at the Family Intervention Center Waterbury, Connecticut on November 16, 2004. Urine screens to which respondent submitted from December 2, 2004 to February 2, 2005 have been negative for the presences of drugs. Respondent has been participating in Narcotics Anonymous, Alcoholics Anonymous, and Nurses for Nurses since October 2004. Resp. Exhs. 2-5.

Conclusions of Law and Discussion

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

Helen Satkunas 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 *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a 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 his license as required by *Conn. Gen. Stat.* § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The **FIRST COUNT, PARAGRAPH 3** of the Statement of Charges as amended alleges that from August 2004 through September 2004, while working as a registered nurse at Waterbury Hospital, Waterbury Connecticut, respondent:

- a. diverted Percocet, morphine, and/or hydromorphone;
- 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 denies the allegation in 5a and 5c but admits the allegation in 5b. Transcript, pp. 14-15.

The **FIRST COUNT, PARAGRAPH 4** of the Statement of Charges as amended alleges that from August 2004 through September 2004, respondent abused or utilized to excess Percocet, heroin, methadone, morphine, hydromorphone and/or Flexeril.

Respondent denies this allegation as it pertains to Percocet, morphine, hydromorphone and Flexeril but admits this allegation as it pertains to heroin and methadone. Transcript, pp. 15-16.

The **FIRST COUNT, PARAGRAPH 5** of the Statement of Charges as amended alleges that respondent's abuse of Percocet, heroin, methadone, morphine and/or Flexeril does, and/or may, affect her practice as a registered nurse.

Respondent denies this allegation as it pertains to Percocet, morphine, hydromorphone and Flexeril but admits this allegation as it pertains to heroin and methadone. Transcript, p. 16.

The **SECOND COUNT, PARAGRAPH 9** of the Statement of Charges as amended alleges that during January 2005, while working as a registered nurse at Elim Park, respondent:

- a. diverted morphine;
- 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 denies this charge. Transcript, p. 17.

The **SECOND COUNT, PARAGRAPH 10** of the Statement of Charges as amended alleges that respondent abused or utilized to excess morphine.

Respondent denies this charge. Transcript, pp. 17-18.

The **SECOND COUNT, PARAGRAPH 11** of the Statement of Charges as amended alleges that respondent's abuse of morphine does, and/or may, affect her practice as a registered nurse.

Respondent denies this charge. Transcript, p. 18

The General Statutes of Connecticut § 20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17. . . .

(b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . .

Based on its review of the Waterbury Hospital medical records, medication distribution system records and the testimony presented, the Board finds by a preponderance of evidence that respondent, while working as a registered nurse at Waterbury Hospital during August 2004 through September 2004, diverted the controlled substance Percocet. The Board further finds that respondent accomplished the diversion of Percocet by failing to completely, properly, and accurately document medical or hospital records and by falsifying one or more controlled substance receipt records. In

addition, the Board concludes there is ample evidence to establish that respondent has abused and or excessively used heroine, methadone and Percocet.

Based on its findings and respondent's admissions, the Board concludes that respondent's conduct as alleged in the Amended Statement of Charges, First Count paragraph 3a as it pertains to Percocet, paragraphs 3b, 3c, and 4 as it pertains to Percocet, heroin and methadone, and paragraph 5 as it pertains to Percocet, heroin and methadone are proven by a preponderance of the evidence presented. Therefore, respondent's registered nurse license is subject to disciplinary action pursuant to *Conn. Gen. Stat. §§ 20-99 and 19a-17*.

With regard to allegations in the Second Count, the Board concludes that the Department did not present sufficient evidence to prove these charges. Therefore, the Second Count of the Statement of Charges as amended is dismissed.

Order

Pursuant to its authority under *Conn. Gen. Stat. §§ 19a-17 and 20-99*, the Board of Examiners for Nursing hereby orders the following:

1. That the Summary Suspension on respondent's registered nurse license, number E53220, ordered on February 16, 2005, is vacated on the effective date of this Memorandum of Decision.
2. That for the First Count of the Statement of Charges as amended, respondent's Registered Nurse license, number E53220, is placed on probation for a period of four (4) years.
3. If any of the following conditions of probation are not met, respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - A. During the period of probation the Board shall pre-approve respondent's employment and/or change of employment within the nursing profession.
 - B. 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.

- C. During the first year of the probationary period respondent, at her expense, shall successfully complete a course in medication administration and documentation pre-approved by the Board. Respondent shall provide proof to the satisfaction of the Board of her successful completion of the course within thirty days of completion.
- D. Respondent shall not administer, count or have access to controlled substances, or have responsibility for such activities in the course of nursing duties during the first year of working as a nurse during the probationary period.
- E. If employed as a nurse, respondent shall cause employer reports to be submitted to the Board, by her immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of month following employment as a nurse. Employer reports shall be submitted monthly during the first and fourth years of probation, and quarterly during the second and third years of probation.
- F. The employer reports cited in Paragraph E above shall include documentation of respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph Q below.
- G. Should respondent's employment as a nurse be involuntarily terminated or suspended, respondent and his employer shall notify the Board within seventy-two (72) hours of such termination or suspension.
- H. If respondent pursues further training in any subject area that is regulated by the Department, respondent shall provide a copy of this Memorandum of Decision to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department in writing as to receipt of a copy of this Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph Q below.
- I. At her expense, respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist, approved by the Board and the Department, during the entire period of probation.
- J. Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.

- K. Respondent shall cause evaluation reports to be submitted to the Board by her therapist during the entire probationary period. Therapist reports shall be submitted monthly during the first and fourth years of probation, and quarterly during the second and third years of probation.
- L. The therapist reports cited in Paragraph K above shall include documentation of dates of treatment, and an evaluation of respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph Q below.
- M. (1) At her expense, respondent shall be responsible for submitting to observed random chain of custody urine screens for alcohol and drugs for the entire probationary period, at a testing facility approved by the Board, after consultation with the Department, as ordered by her therapist, and/or personal physician, and/or employer. Alcohol/drug screening may also be ordered by the Board to ensure compliance with this Order. Random alcohol/drug screens shall be legally defensible in that specimen donor and chain of custody can be identified throughout the screening process.
- (2) Respondent shall be responsible for notifying the laboratory, her therapist, the Board, the Department and her prescribing practitioner of any drug(s) she is taking. For any prescription of a controlled substance(s) for more than two consecutive weeks, the respondent shall cause the provider prescribing the controlled substance(s) to submit quarterly reports to the Board and the Department until such time as the controlled substance(s) are no longer prescribed. The reports shall include the following:
1. A list of controlled substances prescribed by this provider for the respondent;
 2. A list of controlled substance(s) prescribed by other providers;
 3. An evaluation of the respondent's need for the controlled substance;
 4. An assessment of the respondent's continued need for the controlled substance(s).
- (3) There must be at least two (2) such random alcohol/drug screen monthly during the entire probationary period.
- (4) 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.

- (5) Random alcohol/drug screens must include testing for the following substances:
- | | |
|--------------------------------|-----------------------|
| Amphetamines | Methadone |
| Barbiturates | Methaqualone |
| Benzodiazepines | Opiates (Metabolites) |
| Cannabinoids (THC Metabolites) | Phencyclidine (PCP) |
| Cocaine | Propoxyphene |
| Meperidine (Demerol) | Ethanol (alcohol) |

(6) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Board and the Department, at the address cited in Paragraph Q below, by respondent's therapist, personal physician or the testing laboratory.

- N. Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications. Respondent shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.
- O. Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine and that the ingestion of mouthwash may produce a positive result indicating the presence of alcohol. For that reason, any food substance containing poppy seeds, and mouthwash should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine and/or alcohol, the ingestion of poppy seeds and/or mouthwash shall not constitute a defense to such positive screen.
- P. The Board must be informed in writing prior to any change of address.
- Q. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, RN, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
Board of Examiners For Nursing
 410 Capitol Avenue, MS #12HSR
 P. O. Box 340308
 Hartford CT 06134-0308

4. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject 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 shall not be a waiver or preclude the Board's right to

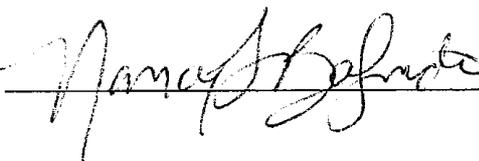
take subsequent action. The Board shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to respondent's address of record (most current address reported to the Office of Practitioner Licensing and Certification of the Department of Public Health or the Board).

5. This Memorandum of Decision becomes effective, and the four-year probation of registered nurse license number E53220 shall commence on July 20, 2005.

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

Dated at Hartford, Connecticut this 20th day of July, 2005.

BOARD OF EXAMINERS FOR NURSING

By  _____