

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

Department of Public Health
vs.
Bridget Nester, RN, Lic. No. E53557
Respondent

Petition No. 990715-010-059

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 September 28, 1999 (Dept. Exh. 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Bridget Nester, RN, (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 October 6, 1999, scheduling a hearing for December 1, 1999. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her.

The hearing took place on December 1, 1999, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing and was represented by Attorney Martha Murray. Transcript, December 1, 1999, p. 4.

Respondent submitted a written Answer to the Statement of Charges. Respondent Exh. A-1.

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 E53557 on April 1, 1991. Said license expired on August 31, 1998, and has not been reinstated. Dept. Exh. 2.
2. In 1996, respondent began employment as a nurse anesthetist at Anesthesia Associates of New Haven, PC, New Haven, Connecticut. Respondent performed the duties of a nurse anesthetist at The Hospital of St. Raphael, New Haven, Connecticut. Dept. Exh. 3, p. 27.

3. Respondent performed the duties of a certified registered nurse anesthetist from 1996 to January 1999 without having been issued a license to practice as an advanced practice registered nurse. Dept. Exh. 2; Dept. Exh. 3, p. 5; Responden. Exh. A-1-1; Transcript, December 1, 1999, pp. 41-42.
4. Respondent continued to work as a registered nurse at The Hospital of St. Raphael after her registered nurse license expired on August 31, 1998. Answer: Rt. Exh. A-1; Transcript, December 1, 1999, pp. 43-44.
5. From on or about September 1998 to January 1999, while working at The Hospital of St. Raphael, respondent diverted for her own use the controlled substances fentanyl, sufentanil and midazolam. Respondent Exh. A-1; Dept. Exh. 3, p.27; Transcript, December 1, 1999, pp. 43-44.
6. Respondent diverted the controlled substances by signing out doses of medications that were not needed for a patient's surgery, signing out medications for patients who had their surgery canceled, and/or signing out medications for patients who were no longer in the operating room. Dept. Exh. 3.
7. Respondent used the medications she diverted from The Hospital of St. Raphael while at home and occasionally while on duty. Transcript, December 1, 1999, pp. 46-47.
8. Respondent underwent inpatient chemical dependency treatment at Cornerstone of Eagle Hill, Sandy Hook, Connecticut from January 27, 1999 to February 8, 1999 followed by intensive outpatient treatment until March 26, 1999. Respondent began individual therapy in July 1999 and is actively participating in Alcoholics Anonymous. Respondent Exh. A-2, A-3; Transcript, December 1, 1999, pp. 49-51.

Conclusions of Law and Discussion

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

Bridget Nester held a valid registered nurse license in the State of Connecticut from April 1, 1991 to August 31, 1998.

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.

The **FIRST COUNT, PARAGRAPH 3** of the Statement of Charges alleges that in or about September 1998 through January 1999, while working as a registered nurse at The Hospital of St. Raphael, New Haven, Connecticut, respondent:

- a. Diverted fentanyl, sufentanil and/or midazolam for her own use;
- b. Failed to completely, properly and accurately documents medical or hospital records; and/or,
- c. Falsified one or more controlled substance receipt records.

The **FIRST COUNT, PARAGRAPH 4** of the Statement of Charges alleges that in or about September 1998 through January 1999, respondent has abused or excessively used fentanyl and sufentanil.

The **FIRST COUNT, PARAGRAPH 5** of the Statement of Charges alleges that respondent's abuse of fentanyl and sufentanil does, and/or may affect her practice as a registered nurse.

Respondent admits the charges in Paragraphs 3, 4 and 5 of the First Count. Answer:
Respondent Exh. A-1.

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 performing 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 respondent's admissions, the Board concludes that respondent's conduct as alleged in First Count Paragraphs 3, 4, and 5 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2)(5) and (6). Therefore, respondent's Registered Nurse license is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The Board concludes that allegations that the respondent's conduct, as specified in the First Count, constitutes an "emotional disorder or mental illness" and/or the "wilful falsification of entries in any hospital, patient or other record pertaining to drugs, the results of which are detrimental to health of a patient" pursuant to General Statutes of Connecticut § 20-99(b)(4) and (7) are not proven. Therefore these allegations are dismissed.

The **SECOND COUNT** of the Statement of Charges alleges respondent worked at The Hospital of St. Raphael, New Haven, Connecticut from September 1998 through January 1999, during which time her registered nurse license was expired.

Respondent admits this charge. Respondent Exh. A-1.

Based on its findings and respondent's admissions, the Board concludes that respondent's conduct as alleged in the Second Count of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2) and (6). Therefore, respondent's Registered Nurse license is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The **THIRD COUNT** of the Statement of Charges alleges that from 1996 until January 1999, respondent worked as a nurse anesthetist at The Hospital of St. Raphael, New Haven, Connecticut and performed duties which required licensure as an advanced practice registered nurse.

Respondent admits this charge. Respondent Exh. A-1.

Based on its findings and respondent's admissions, the Board concludes that respondent was employed as a nurse anesthetist and performed duties which required licensure as an advanced practice registered nurse. Respondent has never been licensed as an advanced practice registered nurse. Transcript, December 1, 1999, p. 41. The Board further concludes that the conduct specified in the Third Count of the Statement of Charges constitutes violations of the General Statutes of Connecticut §20-99(b)(2) and (6). Therefore, respondent's Registered Nurse license is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The allegations that respondent's conduct as specified in the Second Count and the Third Count constitutes "fraud or material deception in procuring or attempting to procure a license to practice nursing" pursuant to General Statutes of Connecticut § 20-99(b)(1) were not proven and are therefore 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. For the First, Second, and Third Counts of the Statement of Charges, respondent's Registered Nurse license, No. E53557 is placed on probation for a period of four (4) years. If the Department reinstates respondent's license, which expired on August 31, 1998, the period of probation shall commence on said date.
2. At any time should respondent apply for licensure as an Advanced Practice Registered Nurse in the State of Connecticut, respondent shall meet all licensure requirements in place at the time of said application.
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 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 fourteen (14) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
 - C. 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.
 - D. If employed as a nurse, respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period.
 - E. The employer reports cited in Paragraph D 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.

- F. Should respondent's employment as a nurse be involuntarily terminated, respondent and/or her employer shall notify the Board within seventy-two (72) hours of such termination.
- G. If respondent pursues further training in any subject area that is regulated by the Department, respondent shall provide 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.
- H. At her expense, respondent shall engage in therapy and counseling for chemical dependency with a Connecticut licensed or certified therapist, approved by the Board and the Department, during the entire period of probation.
- I. 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 commencement of the probationary period, as to receipt of a copy of this Memorandum of Decision.
- J. Respondent shall cause monthly evaluation reports to be submitted to the Board by her therapist during the entire probationary period.
- K. The therapist reports cited in Paragraph J 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.
- L. At her expense, respondent shall be responsible for submitting to observed random chain of custody urine and/or blood 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 of Examiners for Nursing 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. Respondent shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she is taking.

(1) There must be at least one (1) such random alcohol/drug screen every two (2) weeks during the entire probationary period, except, that for the six month period immediately following the resumption of controlled substance administration privileges, there must be at least one (1) such random alcohol/drug screen everyweek.

(2) 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.

(3) 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)

(4) 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.

- M. 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.
- N. 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.

- O. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- P. The Connecticut Board of Examiners for Nursing 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
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 of Examiners for Nursing, 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 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 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).
- 5. 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, Bridget Nester, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 7th day of June 2000.

BOARD OF EXAMINERS FOR NURSING

By 

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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

August 30, 2004

Bridge Nester, RN, APRN
42 Quidnet Court
Guilford, CT 06437

Re: Consent Order
Petition No. 990715-010-059
License No. E53557

Prelicensure Consent Order
Petition No. 2002-0328-012-003
License No. 002703



Dear Ms. Nester:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective July 5, 2004.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision and Prelicensure Consent Order.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process.

Respectfully,

A handwritten signature in cursive script that reads "Olive Tronchin".

Olive Tronchin
Division of Health Systems Regulation

c: Jennifer Filippone
 Janice Wojick



Phone: (860) 509-7400
Telephone Device for the Deaf (860) 509-7191
410 Capitol Avenue - MS # 12HSR
P.O. Box 340308 Hartford, CT 06134
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