

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

Department of Public Health

Petition No. 2004-0630-010-058

vs.

Christa J. Zucco, RN, Lic. No. E53705
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "Board") was presented by the Department of Public Health (hereinafter "Department") with a Statement of Charges and Motion for Summary Suspension dated June 1, 2005. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Christa J. Zucco (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 June 1, 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. 1.

The Board issued a Notice of Hearing June 1, 2005, scheduling a hearing for June 15, 2005. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Summary Suspension Order, Notice of Hearing and Statement of Charges were delivered by certified mail to respondent and respondent's attorney. Dept. Exh. 1.

The hearing took place on June 15, 2005, in Room 1-B, Legislative Office Building, 300 Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing and was represented by counsel. Transcript, June 15, 2005, pp. 2, 19-38.

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

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. Christa J. Zucco was issued registered nurse license number E53705 on September 3, 1001. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 2-C; Resp. Exh. A.
2. From on or about May 2002 to on or about November 2003, respondent was employed as a registered nurse at Sharon Hospital, Sharon, Connecticut. From April 2002 until June 2004 respondent was employed as a registered nurse at Greer Nursing and Rehabilitation Center, Canaan, Connecticut. Dept. Exh. 2-A4, 2-A58, 2-A74; Transcript, June 15, 2005, p. 33 (under seal); Resp. Exh. A
3. During the course of her employment at Sharon Hospital, respondent diverted the controlled substance Morphine. Respondent accomplished the diversion by keeping for her own personal use, Morphine she documented as being wasted. Respondent admitted to an investigator of the Department of Public Health that the diversion of Morphine occurred on only two occasions. Dept. Exh. 2-A4, A5 (under seal); Transcript, p. 16.
4. Respondent has a history of crack cocaine use since in or about April 2004. Dept. Exh. 2-A18 (under seal).
5. On or about June 13, 2004, respondent was arrested for possession of narcotics following a determination that she had been seen sitting in her car smoking crack cocaine. Dept. Exh. 3 (under seal).
6. On or about June 14, 2004, respondent was admitted to Charlotte Hungerford Hospital, Torrington, Connecticut because of suicidal thoughts and being hostile subsequent to crack cocaine use. Upon admission, respondent's blood alcohol level was 238. Laboratory results were also positive for cocaine and marijuana. Dept. Exh. 2-A18, A20 (under seal).
7. Respondent was discharged from Charlotte Hungerford Hospital on June 17, 2004 with a diagnosis of Bipolar II disorder and crack cocaine abuse. Dept. Exh. 2-A20 (under seal).
8. From on or about June 26, 2004 to July 31, 2004 respondent underwent substance abuse treatment at High Watch Farm, Kent, Connecticut. Upon discharge, it was noted that respondent was cooperative, compliant and actively participating in all aspects of her treatment. Dept. Exh. 2-A45 (under seal).
9. On or about September 2004, respondent relapsed and used crack cocaine for approximately one week. Dept. Exh. 2-A65-A69 (under seal).
10. Respondent was evaluated for on-going treatment on June 13, 2005. The evaluator's findings are that respondent suffers from Bipolar disorder with periods of depression and hyperactivity along with a history of substance abuse. The evaluator is of the opinion that

respondent, after a limited period of not working as a nurse, can return to practice subject to practice monitoring and random drug screening. Resp. Exh. B (under seal).

Conclusions of Law and Discussion

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

Christa J. Zucco 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 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.

PARAGRAPH 2 of the Statement of Charges alleges that at all relevant times, respondent was employed as a registered nurse at Sharon Hospital, in Sharon, Connecticut.

Respondent admits these charges. Resp. Exh. A.

PARAGRAPH 3 of the Statement of Charges alleges that from about May 2002 through about 2003, while working as a registered nurse at Sharon hospital, 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 admits the allegations in paragraph 3 but denies that this occurred during the entire period of May 2002 through about November 2003. Resp. Exh. A.

PARAGRAPH 4 of the Statement of Charges alleges that from about May 2002 through about November 2003, respondent abused or utilized to excess morphine.

Respondent admits the allegations in paragraph 4 but denies that this occurred during the entire period of May 2002 through about November 2003. Resp. Exh. A.

PARAGRAPH 5 of the Statement of Charges alleges that respondent's abuse of morphine does, and/or may, affect her practice as a registered nurse.

Respondent denies this charge. Resp. Exh. A.

PARAGRAPH 8 of the Statement of Charges alleges that from April 2004 through about June 2004 respondent was employed as a registered nurse at Greer Nursing and Rehabilitation Center in Canaan, Connecticut.

Respondent denies that she was employed from April 2004 through about June 2004. Respondent's employment was from about April 2002 through about June 2004. Resp. Exh. A.

PARAGRAPH 9 of the Statement of Charges alleges that from about April 2004 through about June 2004, respondent abused or utilized to excess cocaine, marijuana and/or alcohol.

Respondent admits these charges. Resp. Exh. A.

PARAGRAPH 10 of the Statement of Charges alleges that respondent's abuse of cocaine, marijuana and/or alcohol does, and/or may, affect her practice as a registered nurse.

Respondent denies these charges. Resp. Exh. A.

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 findings, the Board concludes that respondent on two occasions diverted Morphine while working as a registered nurse at Sharon Hospital. The Board also concludes that while licensed as registered nurse, respondent abused and/or excessively used morphine, cocaine, marijuana and alcohol. The Board further concludes that respondent's practice as a registered nurse may be affected if her substance abuse were to remain untreated. The Board further

concludes that said conduct constitutes grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99(b)(2), (5) and 19a-17.

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 of respondent's registered nurse license number E53705, ordered on June 1, 2005, is terminated on the effective date of this Memorandum of Decision.
2. That respondent's registered nurse number E53705 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.
Respondent shall not be employed as a nurse for a personnel provider service, assisted living services agency, homemaker-home health aide agency, or home health care agency, and shall not be self-employed as a nurse for the period of probation.
 - 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. 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 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.

- 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 P below.
- F. 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.
- G. 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 P below.
- H. 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.
- 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 effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- J. 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.
- 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 P below.
- L. (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 one (1) such random alcohol/drug screen weekly during the first and fourth years of the probationary period; and, at least two (2) such random alcohol/drug screens monthly during the second and third years of the 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 P 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 Board must be informed in writing prior to any change of address.
- P. 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 (4) year probation of registered nurse license E53705 shall commence, on January 1, 2006.

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

Dated at Hartford, Connecticut this 21st day of December 2005.

BOARD OF EXAMINERS FOR NURSING

By 



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

February 9, 2010

Christa Zucco, RN
108 Sand Road
Falls Village, CT 06031

Re: Memorandum of Decision
Petition No. 2004-0630-010-058
License No. E53705

Dear Ms. Zucco:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective January 1, 2010.

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.

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

Thank you for your cooperation during this process, and good luck to you in the future.

Very truly yours,

A handwritten signature in cursive script that reads "Bonnie Pinkerton".

Bonnie Pinkerton, RN, Nurse Consultant
Practitioner Licensing and Investigations Section

cc: J. Filippone
J. Wojick



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