

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Judy Roberts

MEMORANDUM OF DECISION

Procedural Background

Judy Roberts (hereinafter "petitioner") was issued Registered Nurse license number E53852.

Pursuant to a Memorandum of Decision dated July 15, 1998, the Board of Examiners for Nursing (hereinafter "the Board") ordered the revocation of petitioner's Registered Nurse license.

In a letter dated March 6, 2000, petitioner requested that the Board reinstate her Registered Nurse license. Respondent Exh. A.

Pursuant to the petitioner's request, the Board issued a Notice of Hearing dated June 21, 2000, scheduling a hearing for August 16, 2000. Board Exh. 1.

The hearing took place on August 16, 2000, at the Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Petitioner was present at the hearing but was not represented by counsel. Transcript, August 16, 2000, p. 2.

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 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. Pursuant to Memorandum of Decision dated July 15, 1998, the Board ordered the revocation of petitioner's Registered Nurse license. The Order was based on the Board's findings that petitioner abused or excessively used alcohol and the controlled substances cocaine and Percocet. Board Exh. 1.
2. Subsequent to the revocation of petitioner's Registered Nurse license, petitioner relocated to Florida near her family. There, petitioner became an active participant in the Intervention Project for Nurses ("IPN"). Respondent Exh. A.
3. On July 14, 1999, petitioner entered into an IPN Advocacy Contract. Pursuant to this contract, petitioner was required to submit to random urine screens in compliance with the IPN drug screen protocol. The IPN protocol was based on a sobriety date for petitioner of March 21, 1999. Respondent Exh. A.

4. In addition to petitioner's weekly support meetings for nurses in recovery at IPN, petitioner also attends three to four Alcoholics Anonymous meetings per week; she was on step six in the program as of March 2000. Additionally, petitioner works closely with her sponsor. Respondent Exh. A.
5. In March 1999, immediately after petitioner moved to Florida, petitioner worked at an answering service. In November 1999, petitioner was employed at Life Center of Punta Gorda, a long term care facility, in the admissions department. In February 2000, petitioner accepted a position as the Staff Development and Infection Control Coordinator at Life Center of Punta Gorda. Respondent Exh. A.

Discussion and Conclusions of Law

Petitioner has the burden of satisfying the Board that she is able to practice as a Registered Nurse with reasonable skill and safety. The Board finds that the petitioner has presented sufficient evidence to satisfy her burden.

The Board concludes that the petitioner offered credible testimony that she realizes her wrongdoing with respect to the conduct that resulted in the revocation of her license. The Board also found the petitioner to be credible when she testified that significant changes have taken place in her life such that any misconduct would not be repeated.

Based on a review of the evidence presented, the Board concludes that the petitioner has met the burden of satisfying the Board of her ability to return to the practice of Registered Nursing with reasonable skill and safety.

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 Registered Nurse license number E53852, previously issued to Judy Roberts, is reinstated to probationary status as of the date of this decision.
2. That petitioner's Registered Nurse license number E53852, is placed on probation for a period of four (4) years.
3. That if any of the following conditions of probation are not met, petitioner'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 petitioner's employment or change of employment within the nursing profession if petitioner returns to practice in Connecticut.

- B. Petitioner 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. Petitioner 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. Petitioner may administer controlled substances as part of the Licensed Nurse refresher program provided she receives direct supervision from a nursing instructor.
- D. If employed as a nurse in Connecticut, petitioner shall cause monthly 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 the month following employment as a nurse.
- E. The employer reports cited in Paragraph 3D above shall include documentation of petitioner's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph 3Q below.
- F. Should petitioner's employment as a nurse be involuntarily terminated, petitioner and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
- G. If petitioner pursues further training in any subject area that is regulated by the Department, petitioner shall provide a copy of this Memorandum of Decision to the educational institution or, if not the institution, to petitioner's instructor. Such institution or instructor shall notify the Department in writing of 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 3Q below.
- H. At her expense, petitioner shall engage in monthly 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. Petitioner 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. Petitioner shall cause quarterly 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 petitioner'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 3Q below.
- L. At her expense, petitioner 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. Petitioner 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 weekly random alcohol/drug screens during the first, second, and fourth years of the probationary period. There must also be monthly random alcohol/drug screens during the third-year probationary period.
 - (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 petitioner's therapist, personal physician or the testing laboratory.

- M. Petitioner 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. Petitioner shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.
- N. Petitioner is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substance containing poppy seeds should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds 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. That 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 petitioner has violated this Order will subject petitioner 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 petitioner'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. That 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 petitioner, Judy Roberts, and the Department of Public Health of the State of Connecticut, and the Florida Board of Nursing of this decision of this decision.

Dated at Wethersfield, Connecticut this 3rd day of January, 2001.

BOARD OF EXAMINERS FOR NURSING

By 