

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

Department of Public Health and Addiction Services v.

Dana Grickis, R.N.

Registered Nurse No. E54164

68-10 Sharon Road

Waterbury CT 06705

CASE PETITION NO. 950118-10-004

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 February 27, 1995 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Dana Grickis (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 March 1, 1995, the Board ordered, pursuant to its authority under §19a-17(c) 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 March 1, 1995 scheduling a hearing for March 22, 1995 (Department Exhibit 1). The hearing took place on March 22, 1995 at the Department of Public Health and Addiction Services, 20 Trinity Street, Hartford, Connecticut.

During the hearing the Respondent submitted an Objection to Summary Suspension and Request to Vacate Order. (Respondent's Exhibit A-1) At the conclusion of the hearing the Board denied the Respondent's Motion. (Hearing Transcript, March 22, 1995, p. 94)

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.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Dana Grickis, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E54164 on September 3, 1991 and was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1-B)
2. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, March 22, 1995, p. 2)
3. During the hearing the Respondent provided a written answer to the Statement of Charges. (Respondent's Exhibit A-1)
4. Beginning on or about 1991 the Respondent was employed as a registered nurse at St. Mary's Hospital, Waterbury, Connecticut. (Department Exhibit 1-A) (Hearing Transcript, March 22, 1995, p. 50)
5. That on or about September and October 1994, while working as a registered nurse at St. Mary's Hospital, the Respondent diverted for her own personal use injectable doses of the controlled substance Demerol. (Department Exhibit 1-A) (Hearing Transcript, March 22, 1995, pp. 53-54)

6. That on or about September and October 1994, while working as a registered nurse at St. Mary's Hospital, the Respondent falsified controlled substance administration records by indicating that doses of injectable Demerol which she had diverted for her own use, had been administered to patients. (Department Exhibit 1-A) (Hearing Transcript, March 22, 1995, p. 54)
7. That on at least two occasions while working as a registered nurse at St. Mary's Hospital, the Respondent substituted Toradol for the Demerol that was ordered to be administered to patients. (Department Exhibit 1-A) (Hearing Transcript, March 22, 1995, p. 55)
8. That the Respondent administered to herself, intramuscularly, the Demerol which she diverted from St. Mary's Hospital. The Respondent self administered the Demerol while on duty and while at home. (Department Exhibit 1-A) (Hearing Transcript, March 22, 1995, pp. 54-56)
9. From on or about November 7, 1994 to November 30, 1994 the Respondent underwent treatment for chemical dependency in the Day Treatment Program at Blue Ridge Center, Bloomfield, Connecticut. The Respondent continues to receive individual therapy for chemical dependency. (Respondent's Exhibit A-2, A-3) (Hearing Transcript, March 22, 1995, pp. 12-14, 21-22)

DISCUSSION AND CONCLUSIONS

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

Dana Grickis 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, §4-182 and §19a-17. 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 her license as required by the General Statutes of Connecticut §4-182(c).

PARAGRAPH 2 of the Statement of Charges alleges that between approximately September and October 1994, while working as a registered nurse at St. Mary's Hospital, Waterbury, Connecticut, the Respondent:

- "a. diverted the controlled substance Demerol from facility stocks for her own use;
- b. falsified on or more controlled substance administration and/or receipt records;
- c. failed to properly document the administration and/or receipt of one or more controlled substances;
- d. caused one or more patient accounts to be charged for medication not administered to them; and/or,
- e. substituted Toradol for Demerol on one or more occasions."

The Respondent admits the charges in Paragraphs 2a, 2b, 2c and 2e but neither admits or denies the charge in Paragraph 2d. (Answer: Respondent's Exhibit A-1)

The Board concludes that the Department did not present sufficient evidence, to meet its burden of proof by a preponderance of the evidence, that the Respondent caused one or more patient accounts to be charged for medication not administered to them. Therefore, Paragraph 2d of the Statement or Charges is dismissed.

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 our usual nursing functions... (6) fraud or material deception in the course of professional services or activities...."

Based on its findings and the Respondent's admissions, the Board concludes that the Respondent's conduct as specified in Paragraphs 2a, 2c, 2c and 2e of the Statement of Charges is proven and is a violation of the General Statutes of Connecticut §20-99(b)(2) and (6). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut

PARAGRAPH 3 of the Statement of Charges alleges that in or before October 1994, while the holder of a registered nurse license in the State of Connecticut, the Respondent abused and/or used to excess the controlled substance Demerol.

The Respondent admits this charge to the extent it refers to September and October 1994. (Answer: Respondent's Exhibit A-1)

The General Statutes of Connecticut §20-99 prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on its findings and the Respondent's admission, the Board concludes that the Respondent abused and used to excess the controlled substance Demerol during September and October 1994. The Board concludes that the Respondent's conduct as specified in Paragraph 3 of the Statement of Charges is proven and that said conduct constitutes a violation of the General Statutes of Connecticut §20-99(5). 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 the Summary Suspension of the Respondent's registered nurse license, No. E54164, ordered on March 1, 1995 is vacated on the effective date of this Memorandum of Decision.
2. That for the Paragraphs 2a, 2b, 2c, 2e and 3 of the Statement of Charges the Respondent's registered nurse license, No. E54164, is suspended for a period of one (1) year and placed on concurrent probation for a period of four (4) years.

3. If any of the following conditions of suspension and probation are not met, the Respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - A. The Respondent shall not work as a nurse during the one (1) year period of suspension.
 - B. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period which follows the suspension. The Board shall be notified in writing by her employer(s), within thirty (30) days of the date of employment, as to receipt of a copy of this Memorandum of Decision.
 - C. Should the Respondent change employment during the probationary period, she shall provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board, within thirty (30) days of the date of employment, as to receipt of a copy of this Memorandum of Decision.
 - D. The Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency and shall not be self-employed as a nurse during the period of her probation.
 - E. The 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 employment as a nurse during the probationary period following the period of suspension.
 - F. The Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor, if employed as a nurse, for the entire probationary period following the period of suspension.

- G. The employer reports cited in Paragraph F above shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be issued to the Board at the address cited in Paragraph Q below and shall commence with the report due on the first day of the month following her employment as a nurse.
- H. At her own expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist for the entire period of probation.
- I. The 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, as to receipt of a copy of this Memorandum of Decision.
- J. The Respondent shall cause monthly therapy reports to be submitted to the Board by her therapist, commencing on September 1, 1995, for the entire probationary period.
- K. The therapist reports cited in Paragraph J above shall include documentation of dates of treatment, and an evaluation of the Respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be issued to the Board at the address cited in Paragraph Q below.
- L. At her own expense the Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by her therapist, and/or personal physician, and/or the Board of Examiners for Nursing. Said screens shall be legally defensible in that chain of custody procedures must be followed throughout the screening process. The 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.

There must be at least two such random alcohol/drug screen monthly during the first, second and fourth years of the probationary period and at least once monthly during the third year of the probationary period. Reports of said random alcohol/drug screens are due monthly commencing with reports due on September 1, 1995.

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.

Random alcohol/drug screens must include testing for the following substances:

- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (THC Metabolites)
- Cocaine
- Meperidine (Demerol)
- Methadone
- Methaqualone
- Opiates (Metabolites)
- Phencyclidine (PCP)
- Propoxyphene
- Ethanol (Alcohol)

Reports of random alcohol and drug screens shall be submitted directly to the Board, at the address cited in Paragraph Q below, by the Respondent's therapist or personal physician or the testing laboratory.

- M. The 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, and the Respondent shall not abuse and/or excessively use alcohol and/or drugs.

- N. The Respondent 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 substances 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:

BOARD OF EXAMINERS FOR NURSING
Department of Public Health and Addiction Services
150 Washington Street
Hartford CT 06106

- 4. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order and will subject the 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 Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut 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 Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health and Addiction Services or the Connecticut Board of Examiners for Nursing.)
- 5. This Memorandum of Decision becomes effective, and the one (1) year suspension with concurrent four (4) years probation of the Respondent's registered nurse license shall commence, on July 15, 1995.

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

Dated at Hartford, Connecticut this 12th day of July, 1995.

BOARD OF EXAMINERS FOR NURSING
By Mary E. O'Hara

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