

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES

In re: Leanne Montagano, R.N.

Petition No. 970429-010-028

**SUMMARY SUSPENSION ORDER**

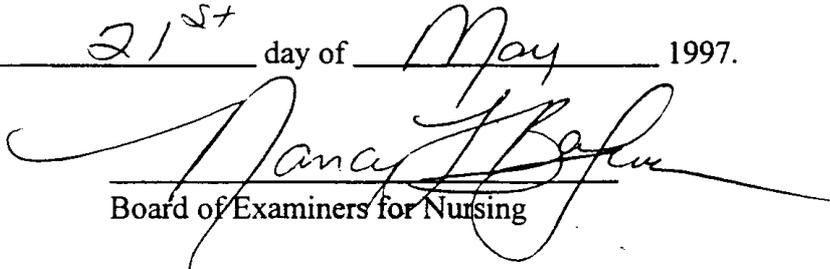
WHEREAS, the affidavits, duly verified, allege facts which show violations of §20-99(b) of the Connecticut General Statutes, as amended, and which imperatively require emergency action in that the public health, safety or welfare of the citizens of the State of Connecticut is in clear and immediate danger; and,

Pursuant to the authority of §4-182(c) and §19a-17(c), pending the hearing set for the 7/14/97 day of June, 1997, at 11:30 a.m.

It is hereby ORDERED, by vote of the Connecticut Board of Examiners for Nursing (hereinafter "the Board") that license number E54184 of Leanne Montagano to practice nursing in the State of Connecticut is summarily suspended pending a final determination by the Board regarding the allegations contained in the Statement of Charges.

Further it is hereby ordered by vote of the Board that Leanne Montagano immediately surrender his/her license number E54184 to the Board, 410 Capitol Avenue, MS #13ADJ, P.O. Box 340308, Hartford, CT 06134-0308 upon notification of this Order.

Dated at Hartford, Connecticut this 21<sup>st</sup> day of May 1997.

  
Board of Examiners for Nursing

Leanne Montagano  
70 Burton Street  
Watertown, CT 06795

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

State of Connecticut  
Department of Public Health  
vs.  
Leanne Montagano, RN  
Registered Nurse License No. E54184  
Respondent.

CASE PETITION NO. 970429-010-028

**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 May 15, 1997 (Department Exhibit 1). The Statement of Charges alleged, in three (3) counts, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Leanne Montagano (hereinafter the "Respondent") which would subject the Respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

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 presented a clear and immediate danger to public health and safety. On May 21, 1997, 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 May 21, 1997, scheduling a hearing for June 4, 1997 (Department Exhibit 1).

The Respondent was provided notice of the hearing and charges against her. Department Exhibit 1 indicates that the Summary Suspension Order, Notice of Hearing, and Statement of Charges were served on the Respondent by Deputy Sheriff on May 24, 1997.

The hearing took place on June 4, 1997, in Conference Room C, 470 Capitol Avenue, Hartford, Connecticut. The Respondent was not present during the hearing and was not represented by counsel. (Hearing Transcript, June 4, 1997, pp. 3, 27)

The Respondent did not submit an answer to the Statement of Charges.

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.

### FACTS

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

1. Leanne Montagano, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E54184 on September 3, 1991. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-D)
2. Pursuant to a Memorandum of Decision (Department Exhibit 1-A) dated June 5, 1996, the registered nurse license of the Respondent was placed on probation for a period of three (3) years effective June 15, 1996. The probation was ordered due to the following conduct on the

part of the Respondent while employed as a registered nurse at Waterbury Hospital, Waterbury, Connecticut between approximately December 1994 and February 1995:

- a. Diversion and abuse of the controlled substance Demerol.
- b. Failing to completely, properly and/or accurately document medical or hospital records.
- c. Falsifying one or more controlled substance receipt records.

3. The probation of the Respondent's registered nurse license included the following conditions:

- a. The Respondent shall provide a copy of the Memorandum of Decision dated June 5, 1996 to any and all employers if employed as a nurse during the probationary period.
- b. 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 working as a nurse during the probationary period.
- c. 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..

4. On or about September 1996, the Respondent began employment as a registered nurse at Urology Specialists P.C., Waterbury, Connecticut. (Department Exhibit 1-B14) (Hearing Transcript, June 4, 1997, pp. 6, 23)

5. The Respondent did not advise Urology Specialists P.C. as to the probationary status of her registered nurse license and did not provide Urology Specialists P.C. with a copy of the Memorandum of Decision dated June 5, 1996. (Department Exhibit 1-B5, 1-C) (Hearing Transcript, June 4, 1997, pp. 6-7)

6. The Respondent while employed as a registered nurse at Urology Specialists P.C. had access to controlled substances which were kept in stock. The Respondent's duties included the

administration of medications inclusive of controlled substances. (Department Exhibit 1-B) (Hearing Transcript, June 4, 1997, p. 7)

7. On or about March 17, 1997, approximately 23 vials of the controlled substance Demerol 75mg injectable and the accompanying proof of use sheet were discovered missing from Urology Specialists P.C. (Department Exhibit 1-B) (Hearing Transcript, June 4, 1997, pp. 7-8, 18-20)
  
8. On April 25, 1997, the Respondent was interviewed by agents of the State of Connecticut, Department of Consumer Protection, Drug Control Division. The Respondent stated to the agents that she had been employed at Urology Specialists P.C. as a Medical Assistant, she denied working as a nurse. The Respondent further denied having access to controlled substances while working at Urology Specialists P.C. and denied responsibility for the Demerol to be missing. (Department Exhibit 1-B)

#### **DISCUSSION AND CONCLUSIONS**

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

Leanne Montagano 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 sufficiently provided legal notice 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).

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

The FIRST COUNT of the Statement of Charges alleges the Respondent violated the terms of probation of her registered nurse license, as set forth in a Memorandum of Decision dated June 5, 1996. It is alleged the Respondent failed to provide her employer, Urology Specialists P.C., Waterbury, Connecticut with a copy of the Memorandum of Decision dated June 5, 1996.

The Respondent did not submit an answer to the Statement of Charges. Pursuant to §19-2a-18 of the Regulations of Connecticut State Agencies the Board deems the charges in the First Count of the Statement of Charges to admitted.

Based on its findings, the Board concludes that the Department has met its burden of proof by a preponderance of the evidence presented in this matter. The Board concludes that the Respondent's conduct as alleged in the First Count of the Statement of Charges is proven and that said conduct constitutes a violation of the conditions of the probation of her registered nurse license as set forth in the Memorandum of Decision dated June 5, 1996. Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The SECOND COUNT of the Statement of Charges alleges that while working as registered nurse at Urology Specialists P.C. the Respondent:

- “a. diverted and/or abused demerol; and/or
- b. falsified and/or destroyed the proof of use sheet for demerol.”

The Respondent did not submit an answer to the Statement of Charges. Pursuant to §19-2a-18 of the Regulations of Connecticut State Agencies the Board deems the charges in the Second Count of the Statement of Charges to admitted.

The Board does not consider the Respondent's denials, made to agents of the State of Connecticut, Department of Consumer Protection, Drug Control Division (Fact 8), to be credible.

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 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, the Board concludes that the Department has met its burden of proof by a preponderance of the evidence presented in this matter. The Board concludes that the Respondent's conduct as alleged in the Second Count of the Statement of Charges is proven and that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2), (5) and (6). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The THIRD COUNT of the Statement of Charges alleges the Respondent violated the terms of probation of her registered nurse license, as set forth in a Memorandum of Decision dated June 5, 1996.

The Respondent did not submit an answer to the Statement of Charges. Pursuant to §19-2a-18 of the Regulations of Connecticut State Agencies the Board deems the charges in the First Count of the Statement of Charges to admitted.

Based on its findings, the Board concludes that the Department has met its burden of proof by a preponderance of the evidence presented in this matter. The Board concludes that the Respondent's conduct as alleged in the Second Count, which is proven, constitutes a violation of probation of her registered nurse license as set forth in a Memorandum of Decision dated June 5, 1996, in that the Respondent was prohibited from obtaining for personal use and/or using any drug that has not been prescribed for her for a legitimate purpose and that she was further prohibited from abusing and/or

excessively using drugs. 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 for the First Count, Second Count, and Third Count of the Statement of Charges, the Respondent's registered nurse license, No. E54184, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs the Respondent, Leanne Montagano, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 17th day of September, 1997.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, appearing to read "Nancy J. Bafundo", written over a horizontal line.