

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

Department of Public Health

Petition No. 2000-0412-010-017

vs.

Dorothy Lanza, RN, Lic. No. E54509
Respondent

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 30, 2000, Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Dorothy Lanza (hereinafter "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 June 21, 2000, the Board ordered, pursuant to its authority under §4-182(c) and §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. Dept. Exh. 2.

The Board issued a Notice of Hearing dated June 7, 2000, scheduling a hearing for June 21, 2000. Dept. Exh. 2.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 2 indicates that the Notice of Hearing and Statement of Charges were served on respondent by a deputy sheriff on June 12, 2000, and also delivered by certified mail.

The hearing took place on June 21, 2000, and on August 16, 2000, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during both hearings but not represented by counsel. Transcript, June 21, 2000, pp. 3-5.

Respondent submitted an oral Answer to the Statement of Charges. Transcript, June 21, 2000, pp. 10-14.

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 E54509 on March 23, 1992. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-B.
2. At all relevant times, respondent was employed as a Registered Nurse at Mariner Health Care in Ansonia, Connecticut. Dept. Exh. 1-A9; Transcript, June 21, 2000, p. 8.
3. On or about January to February 2000, while working as a Registered Nurse at Mariner Health Care, respondent diverted Percocet, Darvocet and Hydrocodone, and falsified one or more Controlled Substance Receipt Records. Dept. Exh. 1-A3-A5; Transcript, June 21, 2000, pp. 11-13.
4. On or about February 2, 3, 4 and 7, 2000, respondent failed to completely, properly and/or accurately document medical or hospital records in that she failed to chart in the Medication Administration Record and PRN notes. Dept. Exh. 1-A5.
5. On or about January and February 2000, respondent abused or utilized to excess Percocet, Darvocet and Hydrocodone. Dept. Exh. 1; Transcript, June 21, 2000, pp. 11-13.
6. On February 24, 2000, respondent admitted to the Drug Control Agent Sharon Milton-Wilhem that she utilized a prescription for Paxil which belonged to her son. Dept. Exh. 1-A7

Conclusions of Law and Discussion

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

Dorothy Lanza 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 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 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 between approximately January and February 2000, while working as a Registered Nurse at Mariner Health Care, respondent:

- a. diverted Percocet, Darvocet and Hydrocodone from patient stock for her own personal use;
- b. falsified controlled substance receipt records/proof of use sheets;
- c. failed to properly and accurately document in patient and/or hospital records.

Respondent admits to the charges in the First Count, Paragraph 2a and 2c and denies Paragraph 2b. Transcript, June 21, 2000, p. 12.

The **FIRST COUNT, PARAGRAPH 4** of the Statement of Charges alleges that respondent abused or utilized to excess Percocet, Darcocet and Hydrocodone.

Respondent admits utilizing Percocet, Darcocet and Hydronerbutal but denies excessive use. Transcript, June 21, 2000, pp. 11-12.

The **FIRST COUNT, PARAGRAPH 5** of the Statement of Charges alleges that Respondent 's abuse of excess Percocet, Darvocet, and Hydrocodone does, and/or may, affect her practice as a registered nurse.

Respondent denies that the abuse of Percocet, Darvocet and Hydrocodone affects her practice as a registered nurse. Transcript, June 21, 2000, pp. 12-13.

The **SECOND COUNT, PARAGRAPH 8** of the Statement of Charges alleges on December 10, 1999, and January 14, 2000, respondent's son obtained prescriptions for Paxil. Respondent utilized her son's Paxil without a prescription.

Respondent admits utilizing her son's Paxil prescription but only two times. Transcript, June 21, 2000, p. 13.

The **SECOND COUNT, PARAGRAPH 9** of the Statement of Charges alleges that respondent's abuse of Paxil does, and/or may, affect her practice as a Registered Nurse.

Respondent denies that her abuse of Paxil does, and/or may, affect her practice as a Registered Nurse. Transcript, June 21, 2000, pp. 11-13.

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, the Board concludes that respondent's conduct as alleged in the First and 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), (5), and (6). Therefore, respondent's Registered Nurse license 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:

For paragraphs 3, 4 and 5 of the First Count and paragraph 8 and 9 of the Second Count of the Statement of Charges, respondent's Registered Nurse license, No. E54509, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

Dated at Hartford, Connecticut this 15th day of November, 2000.

BOARD OF EXAMINERS FOR NURSING

By  _____