

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

ORIGINAL

Linette Wilson, RN
License No. E55049

Petition No. 2010-5732

MEMORANDUM OF DECISION

Procedural Background

On July 28, 2011, the Department of Public Health ("the Department") filed a Statement of Charges ("the Charges") with the Board of Examiners for Nursing ("the Board"). Bd. Exh. 1. The Charges allege violations of Chapter 378 of the General Statutes ("the Statutes") by Linette Wilson ("respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to §§ 19a-17 and 20-99(b) of the Statutes.

On August 22, 2011 the Charges and a Notice of Hearing were delivered to respondent by certified mail. Bd. Exh.2. On September 19, 2011, respondent filed a written Answer to the allegations. Bd. Exh. 3. The hearing was held on October 5, 2011. At the hearing, respondent appeared pro se; the Department was represented by Attorney Linda Fazzina. Following the close of the record on October 5, 2011, the Board conducted fact finding.

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.

Allegations

1. In paragraph one of the Charges, the Department alleges that respondent is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut registered nurse license number E55049.
2. In paragraph two of the Charges, the Department alleges that on or about December 7, 2010, respondent abused or utilized to excess alcohol.
3. In paragraph three of the Charges, the Department alleges that respondent's abuse of alcohol does, and/or may, affect her practice as a nurse.
4. In paragraph four of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to § 20-99, including but not limited to, § 20-99(b)(5).

Findings of Fact

1. Respondent admits paragraph one of the charges. Bd. Exh 3.
2. On or about December 7, 2010 respondent was stopped by Norwalk Police for driving erratically. She was subsequently arrested for driving under the influence after failing field sobriety tests. Dept. Exh. 1, p. 2; Dept. Exh. 1, tab-B pp. 50, 52. (sealed)
3. Respondent was previously arrested for driving under the influence in June 2009. The charges were dismissed following respondent's completion of a court ordered alcohol education program. Dept. Exh. 1, pp. 2.
4. On or about December 9, 2010 respondent was admitted to Connecticut Renaissance, Norwalk, CT for a Court ordered evaluation subsequent to her arrest on December 7, 2010. The intake assessment describes respondent's drug of choice as being alcohol and "last estimated use was 12/7/10." Respondent's Axis I diagnosis was Alcohol Abuse, Depressive Disorder NOS and Anxiety Disorder NOS. Dept. Exh. 1, tab-E (sealed).
5. On or about November 19, 2010 respondent began individual treatment with Norman R. Klein, PhD, Westport, CT. Dr. Klein's opinion as of February 11, 2011 was that respondent is competent to carry out her duties in an effective and responsible manner. He further states that although alcohol is a foreground issue, respondent is not actively at risk. Dept. Exh. 1, tab-C (sealed).
6. As of August 26, 2011, respondent continued in treatment with Dr. Klein who reported that respondent was stable and in full compliance with treatment. In addition, respondent is receiving group counseling at CT Renaissance and random urine screens have been negative as of September 8, 2011. Exh. 1, p. 27 (sealed).

Discussion and Conclusions of Law

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Goldstar Medical Services, Inc., et al. v. Department of Social Services*, 288 Conn. 790 (2008); *Swiller v. Comm'r of Public Health*, CV-950705601, Superior Court, J.D. Hartford/New Britain at Hartford, October 10, 1995; *Steadman v. SEC*, 450 U.S. 91, 101 S. Ct. 999, *reh'g den.*, 451 U.S. 933 (1981). The Department sustained its burden of proof with regard to the allegations contained in the Charges.

Section 20-99 of the Statutes provides, in pertinent part, that:

(a) The Board . . . 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: . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals

The documentary evidence, in particular the intake assessment of December 9, 2010, supports the allegation that on or about December 7, 2010 respondent abused or excessively used alcohol.

The Board concludes that respondent has a history of alcohol abuse. Despite respondent's denial that her abuse of alcohol does not affect her practice as a nurse, the Board concludes that if respondent does not engage in proper relapse prevention and treatment her abuse of alcohol may affect her practice as a registered nurse.

The Board concludes that respondent's conduct as alleged in paragraphs 2, and 3 of the Charges is proven by a preponderance of the evidence presented and said conduct constitutes grounds for disciplinary action pursuant to §§20-99(b)(5) and 19a-17 of the Statutes.

Respondent has presented sufficient evidence that she continues to participate in ongoing treatment and random urine screening, therefore the Board finds that respondent can practice nursing with reasonable skill and safety under the terms of this Order.

Order

Based on the record in this case, the above findings of fact and conclusions of law, the Board hereby orders, with respect to license number E55049 held by Linette Wilson, as follows:

1. Respondent's license shall be placed on probation for a period of one (1) year under the following terms and conditions. If any of the 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.
 - B. 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.

- C. 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.
- D. If employed as a nurse, respondent shall cause employer reports to be submitted to the Board, by her immediate supervisor. Employer reports shall be submitted quarterly during the entire probationary period.
- 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. Therapist reports shall be submitted monthly during the probationary period.
- 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. Observed random urine screens:
- (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:
 - a. A list of controlled substances prescribed by this provider for the respondent;
 - b. A list of controlled substance(s) prescribed by other providers;
 - c. An evaluation of the respondent's need for the controlled substance;
 - d. 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 entire 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. The ingestion of mouthwash, over the counter cough suppressants and cold/flu remedies may produce a positive result indicating the presence of alcohol. For that reason, any food substance containing poppy seeds, mouthwash and over the counter cough suppressants and cold/flu remedies 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, mouthwash over the counter cough suppressants and/or cold/flu remedies 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 communications, payments if required, 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

- Q. 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).

This Memorandum of Decision becomes effective and the one year probation of registered nurse license no. E55049 shall commence on March 1, 2012.

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

Dated at Hartford, Connecticut this 15th day of FEBRUARY, 2012.

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Bouffard, D.N.Sc.
Patricia C. Bouffard, D.N.Sc., Chair

CERTIFICATION

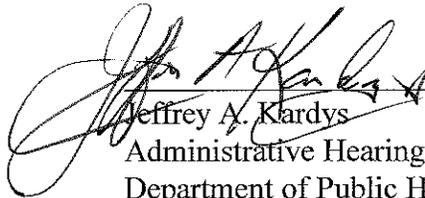
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 10th day of February 2012, by certified mail, return receipt requested and first class mail to:

Linette Wilson
29 West Main Street, Unit 13
Norwalk, CT 06851

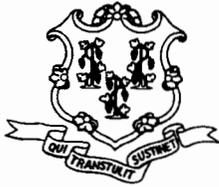
Certified Mail 91-7108-2133-3936-6420-2969

and via email to:

Matthew Antonetti, Principal Attorney
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134-0308



Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Department of Public Health
Public Health Hearing Office



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

March 12, 2013

Linette Wilson, RN
79 Kent Road
Wilton, CT 06897

Re: Memorandum of Decision
Petition No. 2010-5732
License No. E55049

Dear Ms. Wilson:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective March 1, 2013.

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.

Very truly yours,

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

cc: J. Filippone
J. Wojick



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