

Johnna Anderson
264 Wesley Street
Waterbury, CT 06708

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

State of Connecticut
Department of Public Health

vs.

Johnna (Garneau) Anderson, RN
Registered Nurse License No. E55180
Respondent.

CASE PETITION NO. 951101-10-100

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 Charges¹ dated November 17, 1995 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Johnna (Garneau) Anderson (hereinafter the "Respondent") which would subject the Respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing dated November 29, 1995, scheduling a hearing for March 20, 1996 (Department Exhibit 2). The hearing was rescheduled and took place on April 24, 1996, in the Town Hall Meeting Room, Wethersfield Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut (Board Exhibit 1).

¹ The Statement of Charges was presented to the Board as part of a Motion for Summary Suspension on November 29, 1995. The Department's Motion for Summary Suspension was denied by the Board.

During the hearing the Respondent presented a Motion for Order Without Testimony (Respondent's Exhibit B). The Board granted the Respondent's motion that the Board render a decision in this matter by ordering probation of the Respondent's registered nurse license. Said decision would be based on the on the Respondent's Answer to the Statement of Charges and the Board's review of the documentary evidence presented during the hearing, thereby foregoing the presentation of oral testimony.

A transcript of this hearing has not been produced by the court reporting service.

Each member of the Board involved in this decision attests that he/she was present at the hearing, and that this decision is based entirely on the evidence presented, the law, and the Board's specialized professional knowledge in evaluating the evidence.

FACTS

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

1. Johnna Anderson, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E55180 on September 10, 1992. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-B)
2. The Respondent was given due notice of the hearing and charges against her. (Department Exhibit 2) (Board Exhibit 1)
3. The Respondent was present during the hearing and was represented by counsel.
4. The Respondent submitted an answer to the Statement of Charges. (Respondent's Exhibit A-1)
5. Beginning on or about August 1992, the Respondent has been employed as a registered nurse at Waterbury Hospital, Waterbury, Connecticut. (Department Exhibit 1-A5)

6. In or about September 1995, while working as a registered nurse at Waterbury Hospital, the Respondent diverted, for her own personal use, the controlled substance Percocet. The Respondent accomplished the diversion of Percocet by falsifying controlled substance proof of use sheets. The Respondent signed out doses of Percocet for patients who were not in need of the medication. (Department Exhibits 1-A) (Answer: Respondent's Exhibit A-1)
7. Since on or about October 10, 1995, the Respondent has been receiving individual therapy for chemical dependency and has been actively participating in Alcoholics Anonymous. (Respondent's Exhibit A-3, A-4)
8. The Respondent continues to be employed as a registered nurse at Waterbury Hospital. The Respondent is employed under a contingency contract which includes a requirement that the Respondent submit to random drug testing. Random urine drug screens to which the Respondent has submitted since November 1995, have been negative for the presence of drugs. (Respondent's Exhibit A-5)

DISCUSSION AND CONCLUSIONS

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

Johnna Anderson 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).

PARAGRAPH 3 of the Statement of Charges alleges that in or about September 1995, while working as a registered nurse at Waterbury Hospital, Waterbury, Connecticut, the Respondent:

- “a. diverted Percocet;
- b. failed to completely, properly and/or accurately document medical or hospital records: and/or,
- c. falsified one or more Controlled Substance Receipt Records.”

PARAGRAPH 4 of the Statement of Charges alleges that in or about September 1995, the Respondent has abused or excessively used Percocet.

The Respondent admits these charges. (Answer: Respondent's Exhibit 1-A)

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 and the Respondent's admission, the Board concludes that the Respondent's conduct as alleged in Paragraphs 3 and 4 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.

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 Paragraphs 2, and 3 of the Statement of Charges, the Respondent's registered nurse license, No. E55180, is placed on probation for a period of three (3) years. Said probation is retroactive to June 1, 1996.

2. If any of the following conditions of 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. During the period of probation the Board shall pre-approve the Respondent's employment or change of employment within the nursing profession.
 - 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. The Board shall be notified in writing by any employer(s), as to receipt of a copy of this Memorandum of Decision.
 - C. 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 the probationary period.
 - D. If employed as a nurse the Respondent shall cause bimonthly employer reports to be submitted to the Board by her immediate supervisor for the remainder of the probationary period. Employer reports are due on the first business day of January, March, May, July, September and November, commencing with the report due July 1997.
 - E. The employer reports cited in Paragraph D above shall include documentation of the 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 the Respondent's employment as a nurse be voluntarily or involuntarily terminated, the Respondent and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
 - G. At her expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist for the duration of the probationary period.

- H. 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 of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- I. The Respondent shall cause bimonthly evaluation reports to be submitted to the Board by her therapist for the remainder of the probationary period. Therapist reports are due on the first business day of January, March, May, July, September and November, commencing with the report due July 1997.
- J. The therapist reports cited in Paragraph I 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 submitted directly to the Board at the address cited in Paragraph P below.
- K. At her expense the Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs, as ordered by her therapist, and/or personal physician, and/or employer, and/or the Board of Examiners for Nursing. Random alcohol/drug 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.

Random alcohol/drug screening shall be performed on the following schedule:

1. At least one (1) random alcohol/drug screen monthly until June 1, 1997.
2. At least two (2) random alcohol/drug screens monthly from June 1, 1997 until June 1, 1999.

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. Documentation must accompany all laboratory reports indicating 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)

Beginning June 1997, laboratory reports of random alcohol and drug screens shall be submitted directly to the Board, at the address cited in Paragraph P below, by the Respondent's therapist, personal physician or the testing laboratory.

- L. 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. The Respondent shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.
- M. 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 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.
- N. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- O. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.

P. All correspondence and reports are to be addressed to:

**DEPARTMENT OF PUBLIC HEALTH
BOARD OF EXAMINERS FOR NURSING
LEGAL OFFICE - MONITORING & COMPLIANCE**

410 Capitol Avenue, MS #12LEG

P. O. Box 340308

Hartford CT 06134-0308

3. 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. Any finding that the Respondent has violated this Order 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 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 the Respondent'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).
4. 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 the Respondent, Johnna Anderson, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 18th day of June 1997.

BOARD OF EXAMINERS FOR NURSING

By





STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

June 18, 1999

Johnna Anderson, RN
264 Wesley Street
Waterbury, CT 06708

Re: Memorandum of Decision
Petition No. 951101-10-100
License No. E55180
D.O.B. 2/12/65

Dear Ms. Anderson:

Please accept this letter as notice that you have completed the terms of your license probation, effective 6/1/99.

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.

Thank you for your cooperation during this process.

Very truly yours,

Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: D. Tomassone
J. Wojick



Phone: (860) 509-7400

Telephone Device for the Deaf (860) 509-7191

410 Capitol Avenue - MS # 12HSR

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