

Susan Paier  
44 St. Mihiel Drive  
Hamden, CT 06514

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

State of Connecticut  
Department of Public Health

vs.

Susan Paier, RN  
Registered Nurse License No. E55833  
Respondent.

CASE PETITION NO. 960130-10-008

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 an Interim Consent Order executed by Susan Paier (hereinafter the "Respondent") and the Department. The Interim Consent Order provided for the Registered Nurse license of the Respondent to be suspended for ninety (90) days pending a resolution of allegations by the Department that the Respondent engaged in conduct which fails to conform to the accepted standards of the nursing profession. The Interim Consent Order was accepted by the Board on February 21, 1996 (Department Exhibit 1-B).

On May 15, 1996, the Department presented to the Board a Statement of Charges dated May 13, 1996 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by the Respondent.

Based on the allegations in the Statement of Charges and accompanying information, the Board found that the continued nursing practice of the Respondent presented a clear and immediate danger to public health and safety. On May 15, 1996, 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.

The Board issued a Notice of Hearing dated May 15, 1996, scheduling a hearing for June 5, 1996 (Department Exhibit 1). The hearing took place on June 5, 1996, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

During the hearing on June 5, 1996, the Department orally amended the Statement of Charges Paragraph 4 by changing "January of 1995 and December of 1995" to "November of 1994 and September of 1995". (Hearing Transcript, June 5, 1996, p. 4)

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. Susan Paier, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E55833 on October 1, 1993. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-D)
2. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, June 5, 1996, p. 6)
3. The Respondent orally answered the Statement of Charges as amended. (Hearing Transcript, June 5, 1996, p. 5)

4. Beginning on or about 1983, the Respondent was employed as a registered nurse at the Hospital of St. Raphael, New Haven, Connecticut. (Hearing Transcript, June 5, 1996, p. 12)
5. Since on or about 1989, the Respondent has suffered from severe asthma. Medical treatment of the Respondent's condition has included prescriptions, for the controlled substance Hycomine, for cough control. (Department Exhibit 1-A5) (Respondent's Exhibit A-1) (Hearing Transcript, June 5, 1996, pp. 12-13, 15)
6. In or about November 1994, the Respondent began abusing the controlled substance Hycomine that was prescribed to her by her physician. The Respondent was consuming 45cc to 60cc of Hycomine daily instead of the 20cc that was prescribed. (Hearing Transcript, June 5, 1996, pp. 15-16)
7. On four (4) occasions during May 1995, while working as a registered nurse at the Hospital of St. Raphael, the Respondent obtained the controlled substance Hycomine from Brooks Pharmacy, Hamden, Connecticut. The Respondent obtained the Hycomine by forging prescriptions on prescription blanks she obtained from the Hospital of St. Raphael. (Department Exhibit 1-A) (Hearing Transcript, June 5, 1996, pp. 19-20)
8. The Respondent abused or excessively used the controlled substance Hycomine until in or about September 1995. (Hearing Transcript, June 5, 1996, p. 16)
9. On January 20, 1996, the Respondent was arrested by the Hamden Police Department on one count of Forgery in the second degree and four counts of illegally obtaining Hycomine. (Department Exhibit 1-A2)
10. On February 28, 1996, the Respondent was granted accelerated rehabilitation with a one (1) year period of probation. (Respondent's Exhibit A-1, p. 7)

11. Beginning in or about February 1996, the Respondent has been receiving individual therapy for chemical dependency and has been participating in the support group Nurses for Nurses. (Respondent's Exhibit A-1, A-2) (Hearing Transcript, June 5, 1996, pp. 21-25)

### **DISCUSSION AND CONCLUSIONS**

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

Susan Paier 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 Statement of Charges, as amended, alleges that between approximately November 1994 and September 1995, the Respondent has abused or excessively used the controlled substance Hycomine. The Statement of Charges further alleges that in or about May 1995 the Respondent fraudulently obtained Hycomine.

The Respondent admits these charges. (Answer: Hearing Transcript, June 5, 1996, p. 5)

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...."

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, as amended, is proven and that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2) and (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. E55833, ordered on May 15, 1996, is vacated on the effective date of this Memorandum of Decision.
2. That for Paragraphs 3 and 4 of the Statement of Charges, the Respondent's registered nurse license, No. E55833, is placed on probation for a period of three (3) years.
3. 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), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
  - C. If employed as a nurse the Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period. Employer reports shall commence with the report due on the first day of December 1996.

- D. The employer reports cited in Paragraph C 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 O below.
- E. Should the Respondent's employment as a nurse be voluntarily or involuntarily terminated, the Respondent's employer shall notify the Board, within seventy-two (72) hours, of such termination.
- F. At her expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist, during the entire period of probation.
- G. 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.
- H. The Respondent shall cause monthly evaluation reports to be submitted to the Board by her therapist during the entire probationary period. Therapist reports are due commencing with the report due December 1, 1996.
- I. The therapist reports cited in Paragraph H 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 O below.
- J. At her 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. 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.

There must be at least one (1) such random alcohol/drug screen weekly during the first year of probation, at least two (2) random alcohol/drug screens monthly during the second year of probation, and at least one (1) random alcohol/drug screen monthly during the third year of the probationary period. Reports of said random alcohol/drug screens are due on the first day of the month commencing with the reports due on December 1, 1996. 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 O below, by the Respondent's therapist, personal physician or the testing laboratory.

- K. 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 alcohol and/or drugs.

- L. 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.
- M. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- N. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- O. 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

- 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. 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).

5. This Memorandum of Decision becomes effective, and the three (3) year probation of the Respondent's registered nurse license shall commence, on November 1, 1996.

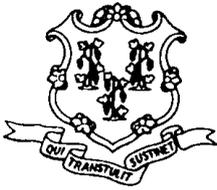
The Board of Examiners for Nursing hereby informs the Respondent, Susan Paier, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 16th day of October 1996.

BOARD OF EXAMINERS FOR NURSING

By *Jancy B. DeFino*

PAIER.DOC



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

November 2, 1999

Susan Paier, RN  
180 Knollwood Drive  
Wallingford, CT 06492

Re: Memorandum of Decision  
Petition No. 960130-10-008  
License No. E55833  
[REDACTED]

Dear Ms. Paier:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective 11/1/99.

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

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