

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

Kerri Burdo, R.N.

Registered Nurse License No. E55921

69 Gorman Street, Apt. 9-L

Naugatuck CT 06770

CASE PETITION NO. 940922-10-092

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services (hereinafter the "Department") with a Statement of Charges and a Motion for Summary Suspension dated November 9, 1994 (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 Kerri Burdo (hereinafter the "Respondent").

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 represented a clear and immediate danger to public health and safety. On November 10, 1994, 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 November 10, 1994 scheduling a hearing for November 30, 1994 (Department Exhibit 1). The hearing took place on November 30, 1994 in Room 2-B, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

During the hearing on November 30, 1994 the Department verbally amended the Statement of Charges by changing "worked" to "was employed" in the First Count Paragraph 2 (Hearing Transcript, November 30, 1994, pp. 7-8).

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 and his/her specialized professional knowledge in evaluating the evidence.

FACTS

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

1. Kerri Burdo, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E55921 on October 1, 1993 and was at all times referred to in the Statement of Charges the holder of said license (Department Exhibit 1-F).
2. The Respondent was aware of the time and location of the hearing. Department Exhibit 1-H indicated that the Summary Suspension, the Notice of Hearing and the Statement of Charges were served on the Respondent by deputy sheriff.
3. The Respondent was present at the hearing but was not represented by counsel (Hearing Transcript, November 30, 1994, pp. 2-4).
4. During the hearing the Respondent verbally answered the Statement of Charges (Hearing Transcript, November 30, 1994, pp. 6-9).
5. From on or about February 14, 1994 to on or about August 19, 1994 the Respondent was employed as a registered nurse at Griffin Hospital, Derby, Connecticut (Answer: Hearing Transcript, November 30, 1994, pp. 6-8).

6. From September 14, 1994 to September 30, 1994 the Respondent was employed as a registered nurse at Glendale Health and Rehabilitation Center, Naugatuck, Connecticut (Answer: Hearing Transcript, November 30, 1994, p. 9) (Department Exhibit 1-E, p. 1).
7. During the time period of at least May 1994 through October 1994 the Respondent has abused or used to excess, Cocaine, alcohol, and/or Xanax (Answer: Hearing Transcript, November 30, 1994, p. 8).
8. That on August 15, 1994 the Respondent was admitted to the Emergency Department at St. Mary's Hospital, Waterbury, Connecticut for treatment of a drug overdose (Department Exhibit 1-D). During the hospitalization a blood test of the Respondent was positive for alcohol and a urine toxicology screen was positive for Cocaine (Department Exhibit 1-D pp. 10-12).
9. That the Respondent has abused drugs since she was ten years old (Hearing Transcript, November 30, 1994, p. 10).
10. That the Respondent has diverted the controlled substances Xanax, Ativan, Morphine, Codeine, Demerol, Percocet, and Valium from Waterbury Convalescent Center, Waterbury, Connecticut, Griffin Hospital, and Glendale Nursing and Rehabilitation Center (Hearing Transcript, November 30, 1994, p. 12).
11. That on or about September 25, 1994 while working as a registered nurse on the 3 p.m. to 11 p.m. shift at Glendale Health and Rehabilitation Center the Respondent was sleeping while on duty (Answer: Hearing Transcript, November 30, 1994, p. 9) (Department Exhibit 1-E, pp. 12-13).

DISCUSSION AND CONCLUSIONS

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

Kerri Burdo held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut §4-177 and §4-182.

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 FIRST COUNT of the Statement of Charges, as amended, alleges that from at least May through October 1994, while licensed as a registered nurse in the State of Connecticut, the Respondent abused or used to excess, cocaine, alcohol, and/or Xanax.

The Respondent admits this charge (Answer: Hearing Transcript, November 30, 1994, p. 8).

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (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 specified in the First Count of the Statement of Charges, as amended, is proven and that said conduct violates the General Statutes of Connecticut §20-99(b)(5). 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 the Respondent suffers from an emotional disorder that interferes with her ability to practice nursing.

The Respondent denies this charge (Answer: Hearing Transcript, November 30, 1994, pp. 8-9).

The Board concludes the Department presented insufficient evidence to prove this charge. Therefore, the Second Count of the Statement of Charges is dismissed.

The THIRD COUNT of the Statement of Charges alleges that on or about September 25, 1994, while working as a registered nurse on the 3 to 11 shift at Glendale Health and Rehabilitation Center, Naugatuck, Connecticut, the Respondent was sleeping while on duty.

The Respondent admits this charge (Answer: Hearing Transcript, November 30, 1994, p. 9).

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 carrying out usual nursing functions.... "

Based on its findings and the Respondent's admission the Board concludes that the Respondent's conduct as specified in the Third Count of the Statement of Charges is proven and that said conduct violates the General Statutes of Connecticut §20-99(b)(2). 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 and the Third Count of the Statement of Charges the Respondent's registered nurse license, No. E55921, be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Chairperson of the Board of Examiners for Nursing.

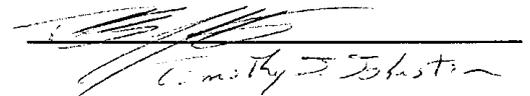
The Board of Examiners for Nursing finds the misconduct regarding the First Count and the Third Count is severable and each specific offense warrants the disciplinary action imposed.

The Board of Examiners for Nursing hereby informs the Respondent, Kerri Burdo, and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 22nd day of March, 1995.

BOARD OF EXAMINERS FOR NURSING

By



Timothy J. Johnston

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