

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

Department of Public Health

Petition No. 2006-0315-010-021

vs.

Christine Adorno, R.N., Lic. No. E57436
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "Board") was presented by the Department of Public Health (hereinafter "Department") with a Statement of Charges (Dept. Exh. 1) and a Motion for Summary Suspension dated April 4, 2006. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Christine Adorno (hereinafter "respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to Conn. Gen. Stat. §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On April 19, 2006, the Board ordered, pursuant to its authority under §§ 4-182(c) and 19a-17(c) of the General Statutes of Connecticut, that respondent's registered nurse license 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 April 19, 2006, scheduling a hearing for May 3, 2006. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Summary Suspension Order, Notice of Hearing, and Statement of Charges, were served on respondent by State Marshal on April 23, 2006. Board Exh. 1.

The hearing took place on May 3, 2006, at the Hartford Hospital-Newington Campus, 181 Patricia M. Genova Drive, Newington, Connecticut. Respondent was present during the hearing but was not represented by counsel. Transcript, May 3, 2006, pp. 1-3.

Respondent orally answered the Statement of Charges during the hearing. Transcript, pp. 9-11.

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 E57436 on March 3, 1995. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 2; Transcript, p. 10.
2. Pursuant to a Consent Order dated November 2, 2005, the Board ordered that respondent's registered nurse license be placed on probation for a period of four years. Such disciplinary action was based upon respondent's admitted diversions of the controlled Ativan, Oxycodone, and Ambien and falsification of controlled substance receipt records. Dept. Exh. 3-tab B1-10; Transcript, p. 10.
3. Said Order specifically provided that respondent shall submit to observed random urine screens for drugs and alcohol that shall be negative for the presence of drugs and alcohol, and that respondent shall attend therapy. Said terms became effective December 1, 2005. Dept. Exh. 3-tab B1-10; Transcript, p. 10.
4. Since December 1, 2005, respondent has submitted to only two urine screens. The first on March 28, 2006, the results of which were negative for the presence of amphetamines, barbiturates, benzodiazepine, cannabinoids, cocaine, and opiates. The results for a May 1, 2006 urine specimen were not available in time for the hearing. Dept. Exh. 3; Resp. Exh. B; Transcript, p. 11.
5. Since December 1, 2005, respondent has missed several therapy appointments. Dept. Exh. 3; Transcript, p. 11.
6. On May 17, 2005 respondent was admitted to the outpatient clinic of the Charter Oak Health Center where she attends individual and group therapy. Respondent's therapist reported on March 16, 2006 that since December 1, 2005, respondent had rescheduled one appointment and was a no-show for three appointments. Resp. Exh. A-tab C; Transcript, p. 16.
7. Respondent testified she missed therapy appointments due to an inability to pay for them after she lost her insurance. She further testified that due the financial reasons she does not believe she will be able to comply with the therapy and urine screening requirements of her probation. Transcript, pp. 16, 19.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered: Christine Adorno 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 Conn. Gen. Stat. §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with Conn. Gen. Stat. Chapters 54 and 368a 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 the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of his license as required by Conn. Gen. Stat. § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 2 of the Statement of Charges alleges that on or about November 2, 2005, the Board issued a Consent Order that placed respondent's registered nurse license on probation for a period of four years. Such disciplinary action was based upon respondent's admitted diversions and use of controlled substances, and falsification of controlled substance records.

PARAGRAPH 3 of the Statement of Charges alleges that said Consent Order specifically provided that respondent shall submit to observed random urine screens for drugs and alcohol, which shall be negative for the presence of drugs and alcohol, and that respondent attend therapy. Said terms became effective December 1, 2005.

PARAGRAPH 4 of the Statement of Charges alleges that since December 1, 2005, respondent has failed to submit to the observed random urine screens.

PARAGRAPH 5 of the Statement of Charges alleges that since December 1, 2005, respondent has missed several therapy appointments.

Respondent admits paragraphs 3, 4, and 5. Transcript, May 3, 2006, pp. 9-11.

PARAGRAPH 6 of the Statement of Charges alleges that respondent's conduct constitutes a violation of the terms of probation as set forth in the Consent Order dated November 2, 2005.

Based on its findings and respondent's admissions, the Board concludes that respondent's conduct as alleged in the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct violates the terms of probation as set forth in the Consent Order dated November 2, 2005. Therefore, respondent's registered nurse license is subject to disciplinary action pursuant to Conn. Gen. Stat. § 19a-17.

Order

Pursuant to its authority under Conn. Gen. Stat. §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

That for Paragraphs 3, 4 and 5 of the Statement of Charges, respondent's registered nurse license number E57436, is revoked effective the date this Memorandum of Decision is signed by the Board.

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

Dated at Hartford, Connecticut this 6th day of September, 2006.

BOARD OF EXAMINERS FOR NURSING

By Jean Dolibus CRNA, APRN