

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

In re: Antoinette Vose, R.N.
R.N. License No. E58960

Petition No.: 2013-88

MEMORANDUM OF DECISION

Procedural Background

On March 6, 2013, the Department of Public Health (“the Department”) filed a Motion for Summary Suspension and a Statement of Charges (“Charges”) with the Board of Examiners for Nursing (the “Board”). Board Exhibits (“Bd. Exs.”) 1, 2. The Charges allege violations of certain provisions of Chapter 378 of the Connecticut General Statutes (“Conn. Gen. Stat.”) by Antoinette Vose (“Respondent”) which would subject Respondent’s registered nurse license to disciplinary action pursuant to Conn. Gen. Stat. §§19a-17 and 20-99(b). The Summary Suspension was granted. Bd. Ex. 2.

On March 11, 2013, the Charges, Notice of Hearing, and Summary Suspension Order were served upon Respondent by State Marshall. Bd. Ex. 3.

The hearing was held on March 20, 2013; Respondent orally answered the Charges on the record. Tr. pp. 4-7. Respondent appeared *pro se*; Attorney Linda Fazzino represented the Department.

Following the close of the record on March 20, 2013, the Board conducted fact-finding, and the Summary Suspension was lifted.

Each member of the Board involved in the decision attests that she was present at the hearing or has reviewed the record, and that her decision is based entirely on the record, the law, and the Board’s specialized professional knowledge in evaluating the evidence. See Conn. Gen. Stat. § 4-178; Pet v. Department of Health Services, 228 Conn. 651, 666 (1994). To the extent the findings of fact actually represent conclusions of law, they should be so considered, and vice versa. SAS Inst., Inc., v. S & H Computer Systems, Inc., 605 F.Supp. 816 (Md. Tenn. 1985).

Allegations

1. Department alleges that, “Respondent is, and has been, at all times referenced in the [Charges], the holder of Connecticut registered nurse license number E58960.” Charges, ¶ 1; Bd. Ex. 1.
2. Department alleges that, “[o]n November 17, 2010, the [Board] ordered a Consent Order in Petition Number 2009-20091304 (hereinafter “the Consent Order”) that placed

Respondent's registered nurse license on probation for a period of four years. Such disciplinary action was based upon allegations of Respondent's use to excess of Percocet, Valium and/or alcohol. Charges, ¶ 2; Bd. Ex. 1.

3. Department alleges that, "[s]aid Consent Order specifically provided that Respondent not obtain or use controlled substances in any form unless prescribed or recommended for a legitimate, therapeutic purpose by a licensed health care professional; and that Respondent shall not obtain or use alcohol." Charges, ¶ 3; Bd. Ex. 1.
4. Department alleges that, "[s]aid Consent Order specifically provided that Respondent shall submit to observed random urine screens for drugs and alcohol. Reports of such screens are to be supplied to the Department. Charges, ¶ 4; Bd. Ex. 1.
5. Department alleges that, "[d]uring January 2013, Respondent, on one or more occasions:
 - a. failed to submit to required observed, random urine screens; and/or
 - b. failed to ensure submission of required laboratory reports of her urine screens for drugs and alcohol to the Department." Charges, ¶ 5; Bd. Ex. 1.
6. Department alleges that, "[i]n January 2013, Respondent abused or utilized to excess controlled substances and/or alcohol." Charges, ¶ 6; Bd. Ex. 1.
7. Department alleges that, "Respondent's use and/or abuse of controlled substances and/or alcohol does, and/or may affect her practice as a registered nurse. Charges, ¶ 7; Bd. Ex. 1.
8. Department alleges that, "Respondent's conduct as described above constitutes violations of the terms of probation as set forth in the Consent Order, and subjects Respondent's license to revocation or other disciplinary action authorized by Conn. Gen. Stat. §§ 19a-17 and 20-99(b).

Findings of Fact

1. Respondent is, and has been at all times referenced in the Charges, the holder of Connecticut Registered Nurse License No. E58960. Hearing Transcript ("Tr."), p. 5.
2. On November 17, 2010, the Board ordered the Consent Order that placed Respondent's license on probation for four years. Such disciplinary action was based upon allegations of Respondent's use to excess of Percocet, Valium and/or alcohol. Tr., p. 5.
3. The Consent Order provided that Respondent not obtain or use controlled substances in any form unless prescribed or recommended for a legitimate, therapeutic purpose by a licensed health care professional; and that Respondent shall not obtain or use alcohol. Tr., p. 5.

4. The Consent Order provided that Respondent shall submit to observed, random observed urine screens for drugs and alcohol. Reports of such screens are to be supplied to the Department. Tr., pp. 5, 6.
5. During January 2013, Respondent failed to submit to observed, random urine screens in compliance with the Consent Order. Tr., p. 6.
6. During January 2013, Respondent failed to ensure submission of required laboratory reports of her urine screens for drugs and alcohol to the Department. Tr., p. 6.
7. Respondent's use and/or abuse of controlled substances and/or alcohol does, and/or may affect her practice as a registered nurse. Tr., p. 6.
8. On March 20, 2013, Respondent orally admitted the factual allegations in paragraphs one through seven. Tr., pp. 4-7.

Discussion and Conclusions of Law

The Department bears the burden of proof by a preponderance of the evidence in this matter. Jones v. Connecticut Medical Examining Board, 309 Conn. 227 (2013). The Department sustained its burden of proof with regard to the allegations contained in paragraphs 1-7 of the Charges.

Conn. Gen. Stat. § 20-99 provides, in pertinent part, that:

- (a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fail 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. . . .

Respondent admitted that in January 2013, she abused or utilized to excess controlled substances and/or alcohol that may affect her practice as a registered nurse, thereby affecting her practice as a registered nurse. Conn. Gen. Stat. § 20-99 (5) Tr., p. 6. Respondent further admitted that she failed to submit to observed, random urine screens and failed to ensure submission of required laboratory reports of her urine screens for drugs and alcohol to the Department in violation of the Consent Order. Tr., p. 6.

The Board concludes that Respondent's conduct, as alleged in paragraph 1 through 7 of the Charges is proven by a preponderance of the evidence, and such conduct constitutes grounds for disciplinary action pursuant to Conn. Gen. Stat. §§19a-17 and 20-99(a) and (b) (5).

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 E58960 held by Antoinette Vose as follows:

- A. Respondent's license continues to be subject to the probationary terms of the Consent Order with an additional one-year extension and modification of the specific terms that follow. If any of the conditions of probation are not met, Respondent's registered nurse license may be subject to disciplinary action pursuant to Conn. Gen. Stat. §19a-17.
1. The probationary period under the Consent Order expires on November 17, 2015.
 2. Section B(3) of the Consent Order is hereby modified to state: *There must be at least one (1) such observed random alcohol/drug screen and accompanying laboratory report every week during 2013 and 2015; at least two (2) such screens and reports every month during 2014.*
 3. Section C of the Consent Order is hereby modified to state: Respondent shall be responsible for the provision of written reports from her therapist directly to the Board and the Department *on a monthly basis for the entire probationary period.* Such reports shall include documentation of dates of treatment, an evaluation of Respondent's progress in treatment and of her drug and alcohol free status as established by the observed random urine screens for drugs and alcohol, an evaluation of her ability to safely and competently practice nursing, and copies of all laboratory reports.
 4. Section H of the Consent Order is hereby modified to state: Respondent shall be responsible for the provision of written reports directly to the Board and the Department from her nursing supervisor (i.e. Director of Nursing) *on a monthly basis for the entire probationary period.* Respondent shall provide a copy of this Memorandum of Decision and the November 2010 Consent Order to any and all employers if employed as a nurse during the probationary period. The Board and the Department shall be notified in writing by an employer(s) within fifteen (15)

days of the commencement of employment as to the receipt of a copy of this Memorandum of Decision and the November 2010 Consent Order. Employer reports shall include documentation of Respondent's ability to safely and competently practice nursing, and shall be issued to the Board the Department at the address cited in paragraph 3M below.

- B. All other terms and conditions of the Consent Order remain the same and in effect.
- C. This Memorandum of Decision becomes effective upon signature.

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

Dated at Hartford, Connecticut this 18th day of September, 2013.

BOARD OF EXAMINERS FOR NURSING

By: Patricia Bouffard, D.N.Sc.
Patricia Bouffard, D.N.Sc., Chairperson

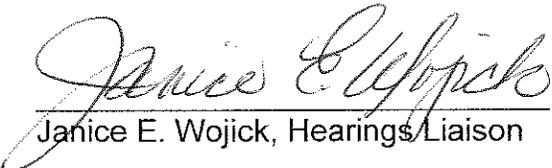
CERTIFICATION

I hereby certify that, pursuant to Connecticut General Statutes Section 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 18th day of September 2013, certified mail return receipt requested and first class mail to:

Antoinette Vose
374 Cypress Road
Newington CT 06111

and E-Mail to:

Matthew Antonetti, Principal Attorney
Licensure Regulation and Compliance
Department of Public Health – MS#12LEG
410 Capitol Avenue
P. O. Box 340308
Hartford CT 061343-0308


Janice E. Wojick, Hearings Liaison