

Jessica Gilmore
60 Mill Street, #4
Unionville, CT 06085

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

State of Connecticut
Department of Public Health
vs.
Jessica Gilmore, RN
Registered Nurse License No. E59120
respondent.

CASE PETITION NO. 990111-010-004

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 Charges and Motion for Summary Suspension dated March 26, 1999. Dept. Exh. A-1-3. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Jessica Gilmore (hereinafter "respondent") which would subject respondent's Registered Nurse License to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued practice of nursing by the respondent presented a clear and immediate danger to public health and safety. On April 7, 1999 the Board ordered, pursuant to its authority under §4-182(c) and §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. Dept. Exh. A1-3.

The Board issued a Notice of Hearing dated April 7, 1999, scheduling a hearing for April 21, 1999. Dept. Exh. A1-4.

Respondent was provided notice of the hearing and charges against her. Department Exhibit A1-4 indicates that the Notice of Hearing and Statement of Charges were sent by certified mail to the respondent's address of record.

The hearing took place on April 21, 1999, at the Wethersfield Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

Respondent was not present during the hearing but was represented by counsel. Tr., April 21, 1999, p. 3.

Respondent submitted a written Answer to the Statement of Charges. Rt. Exh. A.

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 E59120 on August 2, 1996. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. A-B; Rt. Exh. A.
2. From on or about 1997 to 1998, respondent was employed as a registered nurse at Hospice of Central Connecticut, New Britain, Connecticut; during 1998, respondent was employed as a registered nurse at Hartford Hospital, Hartford, Connecticut; and from on or about January 1999, respondent was employed as a registered nurse at Interim Health Care, Farmington, Connecticut. Dept. Exh. A3; Rt. Exh. A.
3. Respondent has a history of abusing and/or excessively using controlled substances since in or about April 1998. Respondent has abused and/or excessively used Klonopin, Effexor, Xanax, Tylenol #3 and Cocaine. Dept. Exh. A-A.
4. During 1998, respondent used different names to obtain prescriptions for the controlled substance Klonopin from different physicians. Respondent "doctor shopped" on weekends to obtain the drugs she needed. Dept. Exh. A. Tr., April 21, 199, pp. 28-30.
5. In September 1998, respondent was admitted to Cedarcrest Hospital, Newington, Connecticut on a Physician's Emergency Certificate due to an overdose of the controlled substances Klonopin and Xanax. Dept. Exh. A-A.
6. In November 1998, respondent was admitted to Cedarcrest Hospital for a four day stay as a result of "self destructive behavior." Dept. Exh. A-A.
7. On January 5, 1999, respondent was admitted to Hartford Hospital, Hartford, Connecticut and subsequently transferred to Cedarcrest Hospital following an episode of taking "an undetermined amount of Xanax, Klonopin, Tylenol #3 and Effexor." Dept. Exh. A-A.

Conclusions of Law and Discussion

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

Jessica Gilmore 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(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut 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 her license as required by the General Statutes of Connecticut §4-182(c).

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

The Statement of Charges alleges that:

- In or about 1998, respondent used three different names to obtain prescriptions drugs from at least three doctors.
- In or about 1998 through 1999, respondent abused or excessively used Klonopin, Effexor, Xanax, Tylenol #3, and Cocaine.
- Respondent's abuse of Klonopin, Effexor, Xanax, Tylenol #3 and Cocaine, does, and/or may effect her practice as a registered nurse.

Respondent neither admits nor denies these charges. Rt. Exh. A.

The General Statutes of Connecticut §20-99 provides in relevant part:

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

Based on its findings, 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 finds there exists ample evidence of respondent's abuse and excessive use of drugs which may affect her practice as a registered nurse. The Board further concludes that respondent's conduct fails to conform to the accepted standards of the nursing profession and constitutes a violation of the General Statutes of Connecticut §20-99(b)(5). Therefore, respondent's Registered Nurse License 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:

That respondent's Registered Nurse License, No. E59120, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

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

Dated at Hartford, Connecticut this 21st day of July, 1999.

BOARD OF EXAMINERS FOR NURSING

By 