

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

Department of Public Health

Petition No. 2003-1014-010-087

vs.

Christine Koonitsky, RN, Lic. No. E59299  
Respondent

**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 October 28, 2003. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Christine Koonitsky (hereinafter “respondent”) which would subject respondent’s registered nurse to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b). The basis of the Statement of Charges was that the respondent used/abused heroin to excess on or about May 12, 2003, and said use does and/or may affect her practice as a registered nurse.

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 November 19, 2003, 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. Dept. Exh. 1.

The Board issued a Notice of Hearing dated November 19, 2003, scheduling a hearing for December 3, 2003. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her.

The hearing scheduled for December 3, 2003 was continued at respondent’s request. The hearing was rescheduled and took place on April 21, 2004, at Hartford Hospital Newington Campus, 181 Patricia M. Genova Drive, Newington, Connecticut. Dept. Exhs. 2 and 3.

On January 12, 2004, the Department filed a Motion to Amend Statement of Charges along with a First Amended Statement of Charges dated January 8, 2004. The Department’ motion was granted on March 17, 2004. Dept. Exhs 4 and 5. The First Amended Statement of Charges added the following Count Two to the charges against the respondent: On or about November 12, 2003, while the respondent was working as a registered nurse at Cedar Lane Rehabilitation Center, the respondent: diverted Sonata;

failed to properly document medical records; and falsified one or more Controlled Substance Receipt Records. The respondent's abuse of Sonata does, and/or may, affect her practice as a registered nurse.

Respondent was present during the hearing but was not represented by counsel. Transcript, April 21, 2004, p. 2.

Respondent orally answered the Statement of Charges. Transcript, pp. 13-16.

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.

### **FIRST AMENDED STATEMENT OF CHARGES**

#### **COUNT ONE**

1. Christine Koonitsky of Prospect (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut Registered nursing license number E59229.
2. On or about May 12, 2003, respondent abused or utilized to excess heroin.
3. Respondent's abused of heroin does, and/or may, affect her practice as a registered nurse.
4. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut § 20-99, including but not limited to § 20-99(b)(5)

#### **COUNT TWO**

5. Paragraph one is incorporated herein by reference as if set forth in full.
6. At all relevant times, respondent was employed as a registered nurse at Cedar Lane Rehabilitation Center, Waterbury, Connecticut (hereinafter "the facility")
7. One or about November 12, 2003, while working as a registered nurse at the facility, respondent:
  - a. diverted Sonata;
  - b. failed to completely, properly and/or accurately document medical or hospital records; and/or
  - c. falsified one or more Controlled Substance Receipt Records.
8. On or about November 2003, respondent abused or utilized to excess Sonata.
9. Respondent's abuse of Sonata does, and/or may, affect her practice as a registered nurse.
10. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut § 20-99(b), including but not limited to § 20-99(b)(5).

#### **RESPONDENT'S ANSWER**

Respondent admitted Count One paragraph 1, Count Two paragraphs 5, 6, 7, 8 and 9. Respondent denied paragraph 10. Respondent did not have sufficient information to admit or deny Count One paragraphs 2, 3, and 4. (Trans. pp. 13-16)

### *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 Nursing License No. E59299 on September 6, 1996. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 6-tab C; Transcript, p. 13.
2. On or about May 12, 2003, the Connecticut State Police and Emergency Medical Service personnel were dispatched to respondent's home due to a report that respondent threatened to take her life. Respondent was observed to be lethargic with slurred speech. Various drug paraphernalia, heroin residue and controlled substances vials were also observed. Respondent admitted to a paramedic that she had used heroin earlier in the day. Respondent was transported to Waterbury Hospital for an emergency evaluation during which a urine toxicology screen was positive for opiates and alcohol. Dept. Exh. A-tab A6, A7-A30 (under seal); Transcript pp. 31-32 (under seal).
3. The police discovered a large amount of drug paraphernalia and residue in the respondent's home on or about May 12, 2003, when the police observed the respondent's father emptying the contents of the plaintiff's purses, apparently in an effort to find out what drugs the respondent had taken on said day. Dept. Ex. A6 (under seal).
4. When the respondent was taken to the emergency room on May 12, 2003, she admitted to using heroin one to two bundles of heroin daily. Dept. Ex. A-27.
5. The respondent called into work on or about May 12, 2003 to notify her employer that she would be unable to work that entire week. Trans. Under Seal, p. 36. The respondent testified at the hearing that, "The second thing I did (on or about May 12, 2003) was call work and tell them I'm going to be out for the whole week because I -- I was a mess and I had to take care of myself. Id.
6. The respondent used/abused heroin on or about May 12, 2003. Trans. Under Seal, p. 31-32, 35, 44, 46, 50-51.
7. The respondent's use/abuse of heroin on or about May 12, 2003 was not a one-time incident. Dept. Ex. A-6, A-27.
8. The respondent's use of heroin does, and/or may, affect her practice as a registered nurse. Trans. Under Seal, p. 36.
9. On or about November 12, 2003, while employed as a registered nurse at Cedar Lane Rehabilitation Center, Waterbury, Connecticut, respondent diverted for her own personal use the controlled substance Sonata; failed to completely, properly and accurately document medical or hospital records; and, falsified one controlled Substance Receipt Record. Dept. Exh. 6-tab D11; Transcript, pp. 14-15 (Respondent's Answer)
10. Respondent has abused or excessively used the controlled substance Sonata as recently as November of 2003. Dept. Exh. 6-tab D; Transcript, p. 15. (Respondent's Answer)
11. Respondent's abuse of Sonata does, and/or may, affect her practice as a registered nurse. Transcript, p. 16 (Respondent's Answer)

12. From February 5, 2004 to March 18, 2004, respondent underwent Intensive Outpatient Substance Abuse Evening Program treatment at Rushford Midstate Behavioral Health System, Meriden, Connecticut. Since March 23, 2004, respondent has been receiving individual therapy for chemical dependency through the relapse prevention Program on the Meriden Campus of the Rushford Center and has been participating in Alcoholics Anonymous. Resp. Exh. A (under seal); Transcript, pp. 46-48 (under seal).
13. Respondent does not yet have an understanding of the addictive process and that a relapse would effect respondent's ability to practice as a registered nurse. Dept. Exh. 6-tab A6, A7-A30 (under seal); Transcript pp. 31-32 (under seal). Trans. Under Seal, p. 52, 53, 55)

### *Conclusions of Law and Discussion*

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

Christine Koonitsky held a valid registered nursing 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 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, the First Amended 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.

Regarding the allegations contained in Count Two of the First Amended Statement of Charges, the Respondent admits the allegations in the Second Count, Paragraphs 7, 8 and 9. Transcript, pp. 14-16. The Board concludes that the Respondent's abuse of Sonata does, and/or may, affect her practices as a registered nurse and constitutes grounds for disciplinary action. As to the allegations contained in Count One, the Board did not find credible the respondent's denial that she use heroin on or about May 12, 2003. In the respondent's oral answer to the statement of charges, she denied taking heroin on or about May 12, 2003. Later during the hearing, the respondent repeatedly admitted to taking heroin on or about said date. Finding of Fact (hereinafter, "FF") 2, 3, 4, 6.

The Board did not find credible the respondent's denial that her use of heroin did not affect her practice as a registered nurse. The respondent herself testified that she notified her employer on or about May 12, 2003, that she would not be reporting to work that week. FF 5 The respondent stated, "The second thing I did (on May 12, 2003) was call work and tell them I'm going to be out for the whole week because I -- I was a mess and I had to take care of myself. . . So I put my children's safety first. I put my

patients' safety next -- same day." (Id.) Clearly, the respondent's use of heroin did affect her ability to practice as a registered nurse as she realized she was not able to safely care for patients. FF 8.

The Board concludes that the respondent's testimony was not credible that her heroin use on or about May 12, 2003 was a one-time occurrence. (Trans. Under Seal, p. 31, 46, 50-51, 52, 56) The police reports and affidavits demonstrate that witnesses observed that the respondent on May 12, 2003, had a large amount of drug paraphernalia in her home and heroin residue. (Dept. Ex. A-6.) The police affidavit found at Dept. Ex A-8 demonstrates that the police found a clear baggy containing 94 opened/ripped whit/wax colored glassine baggies with suspected heroin residue. Also, on May 12, 2003, the respondent admitted at the emergency room that she used one to two bundles of heroine daily. (Dept. Ex. A-27) The Board also did not find credible the plaintiff's testimony that the large amount of drug paraphernalia was in her house because her now ex-husband planted those items there. (Trans. Under Seal, p. 52, 53, 55) The police reports demonstrate that the respondent's father went through her pocketbook, apparently in an effort to find out what drugs the respondent had taken on or about May 12, 2003, and that is when the police observed the large quantity of drug paraphernalia and drug residue. Dept. Ex. A-5, 6. FF 2, 3, 4, 5, 6, 7.

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 further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§20-99(b)(5) and 19a-17.

Although respondent has commenced treatment for chemical dependency and relapse prevention, it is the Board's conclusion that respondent does not yet have an understanding of the addictive process and that a relapse would affect respondent's ability to practice as a registered nurse. FF 13. This lack of understanding is demonstrated by the fact that the respondent maintains that her use of heroin on or about May 12, 2003 was a one-time incident despite the overwhelming evidence to the contrary. Further, the respondent continues to blame her ex-husband for planting drug paraphernalia in her home on or about May 12, 2003 so that police and others would think that she was an addict. The

evidence does not support the respondent's belief. Lastly, the respondent maintains that she did not become an addict until she began abusing Sonata. Again, the evidence does not support the respondent's contention. FF 2, 3, 4, 6, 7.

*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 the First Count and the Second Count of the Statement of Charges, Respondent's registered nurse license, number E59299, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

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

Dated at Hartford, Connecticut this 1st day of September 2004.

BOARD OF EXAMINERS FOR NURSING

By 