

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

Department of Public Health

Petition No. 2006-1228-010-119

vs.

Stacy Rogers, RN, Lic. No. E61048
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 dated January 21, 2007. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Stacy Rogers (hereinafter “respondent”) which would subject respondent’s registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

The Board issued a Notice of Hearing dated February 7, 2007, scheduling a hearing for February 21, 2007. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Notice of Hearing and Statement of Charges were delivered by certified mail to respondent. Dept. Exh. 2.

The hearing took place on February 21 2007, at the Hartford Hospital – Newington Campus, 181 Patricia M. Genova Drive, Newington, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, February 21, 2007, p. 2.

Respondent did not submit an Answer to the Statement of Charges. Transcript, p. 5.

During the hearing on February 21, 2007 the Department filed a Motion to Deem Allegations Admitted. The Board denied the motion. Dept. Exh. 3; Transcript, February 21, 2007 p. 7.

Findings of Fact

1. Respondent was issued registered nurse license number E61048 on October 16, 1998. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-tab B.
2. Pursuant to a Consent Order dated June 16, 2004, the Connecticut Board of Examiners for Nursing 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 substance Percocet and Dilaudid. Said Order specifically provided that respondent shall:
 - a. engage in therapy and counseling with a licensed or certified therapist approved by the Board and the Department for the entire period of probation;
 - b. submit to random screens for drugs and alcohol; and/or
 - c. said urine screens shall be negative for the presence of drugs and/or alcohol. Dept Exh. 1-tab Ab, p. 1-2.
3. From March to June of 2006, respondent failed to engage in therapy without notice to or approval from the Board and Department. Dept. Exh. 1-tab Ac.
4. On May 31, 2006 respondent failed to present herself for a screen when called. Dept. Exh. 1-tab Ac.
5. Respondent submitted to only one urine screen during August 2006 and none during September and October 2006. Dept. Exh. 1-tab Ac.
6. Respondent submitted to random urine screening on November 21, 2006. Laboratory results for the November 21, 2006 urine specimen were positive for the presence of amphetamines. Dept. Exh. 1-tab Ai.
7. Respondent submitted to random urine screening on December 5, 2006. Laboratory results for the December 5, 2006 urine specimen were positive for the presence of amphetamines. Dept. Exh. 1-tab Aj.

Conclusions of Law and Discussion

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

Stacy Rogers 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 her 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 May 20, 2004¹ the Board ordered a Consent Order that placed respondent's registered nurse license on probation for four years based on respondent's admitted diversions of controlled substances.

PARAGRAPH 3 of the Statement of Charges alleges that the Consent Order ordered on May 20, 2004, specifically provided that respondent shall:

- a. engage in therapy and counseling with a licensed or certified therapist approved by the Board and the Department for the entire probationary period;
- b. submit to random screens for drugs and alcohol; and/or
- c. said urine screens shall be negative for the presence of drugs and/or alcohol.

PARAGRAPH 4 of the Statement of Charges alleges that between approximately March and June of 2006, respondent was not engaged in therapy or counseling. No notice to or approval from the Board and/or the Department had been given.

PARAGRAPH 5 of the Statement of Charges alleges that on or about May 21, 2006, respondent failed to present herself for a urine screen that had been ordered.

PARAGRAPH 6 of the Statement of Charges alleges that only one screen was conducted during August 2006, and no screens were conducted in September and/or October 2006.

PARAGRAPH 7 of the Statement of Charges alleges that during November and December 2006, respondent's urine screen(s) tested positive for amphetamines.

¹ The Consent Order was ordered and accepted by the Board on June 16, 2004.

PARAGRAPH 8 of the Statement of Charges alleges that respondent's conduct constitutes a violation of the terms of probation of respondent's registered nurse license.

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 that respondent presents a threat to the public health and safety. The Board further concludes that said conduct violates the terms of probation as set forth in the Consent Order dated June 16, 2004. 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 4, 5, 6, 7 and 8 of the Statement of Charges, respondent's registered nurse license number E61048, is revoked effective the date this Memorandum of Decision is signed by the Board.

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

Dated at Hartford, Connecticut this 15th day of August 2007.

BOARD OF EXAMINERS FOR NURSING

By Jean Dolbuis CRNA, APRN

CERTIFICATION

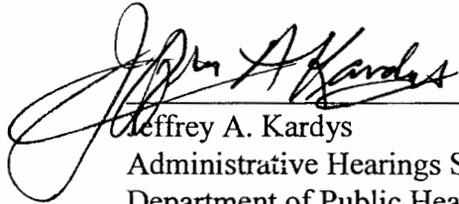
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 16th day of August 2007, by certified mail, return receipt requested and first class mail, to:

Stacy Rogers, RN
89 Hospital Avenue
Danbury, CT 06810

Certified Mail RRR #9171082133393206017723

and by Inter-Departmental Mail to:

Stanley K. Peck, Director
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134-0308



Jeffrey A. Kardys

Administrative Hearings Specialist/Board Liaison
Department of Public Health
Public Health Hearing Office