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STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.

Margaret Hewett

120 Whitney Road

East Hartford, CT 06118

CT RN License No. R21398

CASE PETITION NO. 890705-10-028

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Statement of Charges dated January 22, 1990.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing dated January 23, 1990. The hearing was rescheduled for September 27, 1990 and continued to October 30, 1990. The Board issued a notice of the rescheduled hearing dated October 15, 1990. The hearing took place on October 30, 1990 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

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 and their specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Margaret Hewett, hereinafter referred to as Respondent, was issued Connecticut Registered Nurse license number R21398 on September 15, 1969.
2. The Respondent's license was summarily suspended on January 23, 1990.
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 1 indicates that notice of the location and time of this hearing were delivered by sheriff to the Respondent. Notices of Continuance of Formal Hearing were issued by certified mail. The Respondent was present at the hearing but not represented by counsel.
4. The Respondent, while working as a registered nurse at South Windsor Nursing Center in South Windsor, Connecticut, on September 14, 1989 diverted the controlled substances Tylenol with Codeine and Percocet.
5. The Respondent, while working as a registered nurse at South Windsor Nursing Center in South Windsor, Connecticut, on or about September 14, 1989 and subsequent times thereto, abused said drugs.

6. The Respondent, while working as a registered nurse at South Windsor Nursing Center in South Windsor, Connecticut, on September 14, 1989 failed to follow physician orders for administration of the controlled substance Tylenol with Codeine.
7. The Respondent, during October, 1988 and April, 1989, obtained the controlled substance Fioricet by fraud, deceit, and subterfuge.

DISCUSSION AND CONCLUSIONS

The First Count, Subsection 3a, alleges that while employed as a registered nurse at South Windsor Nursing Center in South Windsor, Connecticut, on or about September 13, 1989 and/or September 14, 1989 and subsequent times thereto, the Respondent diverted the controlled substances Tylenol with Codeine and/or Percocet. The Respondent denies this charge. (October 30, 1990 Hearing Transcript p. 19)

This conduct is a violation of the General Statutes of Connecticut Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

The Board considered the investigation report of Raymond A. DaDalt, Drug Control Agent (Department Exhibit 1 pp. 8 & 9). Specifically, the report states "...that at least three patients did not receive medication recorded as being administered to them by Ms. Hewett." (Department Exhibit 1 page 8). Specifically the investigation report states that patient Matilda Kleinsmith "...did state that she took a

Tylenol tablet at 4 A.M. Ms. Kleinsmith knew it was not Tylenol with Codeine because that combination gives her after effects which she did not have. [NOTE: Margaret Hewett indicated on Ms. Kleinsmith's proof of use sheet that she administered three doses of Tylenol with Codeine 30 mg. to her at midnight, 3 A.M., and 6:30 A.M. on 9/14/89. Only two dozes had been administered by other nurses since the beginning of September.]" (Department Exhibit 1 page 9)

The Board further considered the investigation report of Raymond A. DaDalt. Specifically, the report states "Patient Helen Rider ... denied taking medication at 1:30 A.M. on 9/14/89. [A review of the proof of use sheet for Ms. Rider's Percocet shows administration of this drug by Ms. Hewett at 1:30 A.M. and 6 A.M. on 9/14/89."

(Department Exhibit 1 page 9) The Board found that Ms. Hewett had diverted the controlled substances Tylenol with Codeine and Percocet.

The Board concludes that Respondent has violated the General Statutes of Connecticut Section 20-99(b)(2), as specified in the First Count, Subsection 3a.

The First Count, Subsection 3b, alleges that the Respondent abused on or more of said drugs. Respondent denies this charge. (October 30, 1990 Hearing Transcript p. 19) The described conduct is a violation of the General Statutes of Connecticut Section 20-99(b)(4) which includes "... (4) emotional disorder or mental illness..." and "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals."

The Board considered the Affidavit of Jeffrey A. Kardys, Investigator for the State of Connecticut Department of Health Services, which states "That on July 28, 1989, Margaret C. Hewett, RN, was arrested and charged with twenty-nine (29) counts of illegal possession of a controlled substance...; Margaret C. Hewitt, R.N. has had an intermittent substance abuse problem since 1972 which has resulted in disciplinary action against her nursing license in 1973 and 1979." (Department Exhibit 1, pp. 16 - 17) The Board found that the Respondent had diverted said drugs for her own use which constitutes abuse. The Board concludes that the Respondent has violated the General Statutes of Connecticut Section 20-99(b)(4) and (5), as specified in the First Count, Subsection 3b.

The First Count, Subsection 3c, alleges that the Respondent failed to follow physician orders for administration of the controlled substance Tylenol with Codeine. Respondent denies this charge. (Hearing Transcript p. 19) The described conduct is a violation of the General Statutes of Connecticut Section 20-99(b)(6) which includes : "... (6) fraud or material deception in the course of professional services or activities...."

The Board considered the Investigation Report of Raymond A. DaDalt which states in part "...that at least three patients did not receive medication recorded as being administered to them by Ms. Hewett." (Department Exhibit 1, p. 8) The Board found that the Respondent, in diverting medication to herself which was ordered for patients, failed to follow physician orders for administration of the controlled substance Tylenol with Codeine.

The Second Count, Section 2 alleges that during October, 1988 and/or subsequent thereto until April, 1989, the Respondent obtained the controlled substance Fioricet by fraud, deceit or subterfuge. The Respondent denies the charge. (October 30 Hearing Transcript p. 20)

This conduct is a violation of the General Statutes of Connecticut Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions..." and "... (6) fraud or material deception in the course of professional services or activities...."

The Board considered the Affidavit of Jeffrey A. Kardys, Investigator for the State of Connecticut Department of Health Services, which states that "...the Manchester Police investigation determined that Margaret C. Hewitt, R.N., obtained the controlled substance Fioricet using prescriptions containing the forged signature of a physician...the prescriptions were on prescription blanks from the V. A. Medical Center, Newington, Connecticut, where Margaret C. Hewitt, R.N. was employed." (Department Exhibit 1, p. 16)

The Board concludes that the Respondent has violated the General Statutes of Connecticut Section 20-99(b)(2) and (6) as specified in the Second Count, Subsection 2.

ORDER

It is the unanimous decision of those members of the Board of Examiners for Nursing who were present and voting that for each Subsection of the First Count and for the Second Count that:

1. The license of the Respondent be revoked.
2. The date of this revocation shall commence on May 1, 1991.

The Board of Examiners for Nursing hereby informs the Respondent and the Department of Health Services of the State of Connecticut of this decision.

Dated at *Hartford*, Connecticut, this *27th* day of *February*, 1991.

BOARD OF EXAMINERS FOR NURSING

BY *Bette Jane M. Murphy RN*

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