

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

Department of Public Health v.

Rosemarie Morin, R.N.,

Registered Nurse License No. R25164

26 Quarry Road

Branford, CT 06405

CASE PETITION NO. 941206-10-115

MEMORANDUM OF DECISION
INTRODUCTION

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 July 10, 1995 (Department Exhibit 1). The Statements of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Rosemarie Morin (hereinafter the "Respondent") which would subject the Respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing dated July 12, 1995 scheduling a hearing for October 17, 1995 (Department Exhibit 1). The hearing was rescheduled and took place on December 19, 1995 in Room 2-A, Legislative Office Building, Capitol Avenue, 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 the Board's specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Rosemarie Morin, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R25164 on May 16, 1973. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-C)
2. Pursuant to the General Statutes of Connecticut, §4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all lawful requirements for the retention of her license. (Department Exhibit 1-A)
3. The Respondent was given due notice of the hearing and charges against her. Department Exhibit 1-B indicates that the Statement of Charges and Notice of Hearing were delivered to the Respondent by certified mail on July 18, 1995.
4. The Respondent was present during the hearing but was not represented by counsel. (Hearing Transcript, December 19, 1995, p. 2)
5. The Respondent submitted a written answer to the Statement of Charges. (Department Exhibit 1-D)
6. Beginning on or about 1981 the Respondent was employed as a registered nurse at Temple Surgical Center, New Haven, Connecticut. (Respondent's Exhibit A-2)
7. From on or about October 1993 to June 1994, while working as a registered nurse at Temple Surgical Center, the Respondent diverted for her own personal use the controlled substance Fentanyl. (Department Exhibits 1-D, 1-E) (Respondent's Exhibit A-2)

8. From on or about October 1993 to June 1994, while working as a registered nurse at Temple Surgical Center, the Respondent accomplished the diversion of Fentanyl by falsifying controlled substance proof of use sheets. The Respondent signed out doses of Fentanyl for patients who were no longer patients at the facility; the Respondent affixed to proof of use sheets patient information labels of patient's who were no longer at the facility; and the Respondent forged the signatures of other nurses on proof of use sheets. (Department Exhibit 1-D, 1-E)
9. The Respondent has a history of alcohol abuse which she believes caused her to divert and abuse the controlled substance Fentanyl. (Respondent's Exhibit A-2)
10. The Respondent has abused alcohol and the controlled substance Fentanyl as recently as June 1994. (Department Exhibit 1-D, 1-E) (Respondent's Exhibit A-2) (Hearing Transcript, December 19, 1995 pp. 10-12)
11. From June 17, 1994 to June 29, 1994 the Respondent underwent in patient chemical dependency treatment at Cornerstone of Eagle Hill, Sandy Hook, Connecticut. Since July 1, 1994 the Respondent has been receiving individual therapy for chemical dependency and has been participating in Alcoholics Anonymous and the support group Nurses for Nurses. (Respondent's Exhibit A-2, A-3, A-4, A-6, A-9) (Hearing Transcript, December 19, 1995, pp. 13)
12. Since October 1995 the Respondent has been employed as a registered nurse at West Lake Lodge Nursing Home, Guilford, Connecticut. (Respondent's Exhibits A-8)

DISCUSSION AND CONCLUSIONS

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

Rosemarie Morin 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, §4-182, and §19a-17. The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided the 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).

PARAGRAPH 2 of the Statement of Charges alleges that between approximately October 1993 and June 1994, while working as a registered nurse at the Temple Surgical Center, New Haven, Connecticut, the Respondent:

- a. diverted fentanyl from patient stock for her own personal use;
- b. falsified proof of use sheets by signing out doses of fentanyl for patient's who were no longer at the facility;
- c. saved patient information labels for patients who were no longer at the facility and attached such labels to fentanyl proof of use sheets; and/or
- d. forged the signatures of other nurses on proof of use sheets for fentanyl."

PARAGRAPH 3 and 4 of the Statement of Charges alleges that as recently as June 1994 the Respondent has abused or excessively used alcohol and the controlled substance Fentanyl.

The Respondent admits these charges. (Answer: Department Exhibit 1-D)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal, incompetent or negligence in performing usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals... (6) fraud or material deception in the course of professional services or activities...."

Based on its findings, the Board concludes that the Respondent's conduct as alleged in Paragraphs 2, 3, and 4 of the Statements of Charges is proven and that said conduct constitutes violations the General Statutes of

Connecticut §20-99(b)(2)(5) and (6). Therefore, the Respondent 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:

1. That for Paragraphs 2, 3 and 4 of the Statement of Charges, the Respondent's registered nurse license, No. R25164, is placed on probation for a period of four (4) years.

2. If any of the following conditions of probation are not met, the Respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - A. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any current employer(s), within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.

 - B. Should the Respondent change employment during the probationary period, she shall provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board in writing, within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.

 - C. Should the Respondent end her employment with her current employer, West Lake Lodge Nursing Home, Guilford, Connecticut, or should the Respondent obtain additional employment as a nurse, the Respondent shall not administer, count or have access to controlled substances or have responsibility for such activities in the course of nursing duties during the first year of working as a nurse for a new or additional employer.

- D. The Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency and shall not be self-employed as a nursing during the period of her probation.
- E. The Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period. Employer reports shall commence with the report due on the first day of May 1996.
- F. The employer reports cited in Paragraph E above shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be issued to the Board at the address cited in Paragraph Q below.
- G. Should the Respondent's employment as a nurse be voluntarily or involuntarily terminated, the Respondent's employer shall notify the Board, within seventy-two (72) hours, of such termination.
- H. At her own expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist during the entire period of probation.
- I. The Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- J. The Respondent shall cause monthly evaluation reports to be submitted to the Board by her therapist during the entire probationary period. Therapist reports are due commencing with the report due May 1, 1996.
- K. The therapist reports cited in Paragraph J above shall include documentation of dates of treatment, and an evaluation of the Respondent's progress, including alcohol and drug free status,

and ability to safely and competently practice nursing. Therapist reports shall be issued to the Board at the address cited in Paragraph Q below.

- L. At her own expense the Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by her therapist, and/or personal physician, and/or the Board of Examiners for Nursing. Random alcohol/drug screens shall be legally defensible in that chain of custody procedures must be followed throughout the screening process. The Respondent shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she is taking.

There must be at least two (2) such random alcohol/drug screen monthly during the entire probationary period. Reports of said random alcohol/drug screens are due on the first day of the month commencing with the reports due on May 1, 1996.

Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

Random alcohol/drug screens must include testing for the following substances:

- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (THC Metabolites)
- Cocaine
- Meperidine (Demerol)
- Methadone
- Methaqualone
- Opiates (Metabolites)
- Phencyclidine (PCP)
- Propoxyphene
- Ethanol (alcohol)

Reports of random alcohol and drug screens shall be submitted directly to the Board, at the address cited in Paragraph Q below, by the Respondent's therapist or personal physician or the testing laboratory.

- M. The Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications, and the Respondent shall not abuse and/or excessively use alcohol and/or drugs.
- N. The Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substance containing poppy seeds should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.
- O. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- P. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- Q. All correspondence and reports are to be addressed to:

BOARD OF EXAMINERS FOR NURSING
DEPARTMENT OF PUBLIC HEALTH
410 Capitol Avenue, MS#12NUR
P. O. Box 340308
Hartford CT 06134-0308

- 4. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order and will subject the Respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut including, but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board of Examiners for Nursing shall not

be a waiver or preclude the Board's right to take action at a later time. The Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to Respondent's address of record (most current address reports to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health or the Board of Examiners for Nursing).

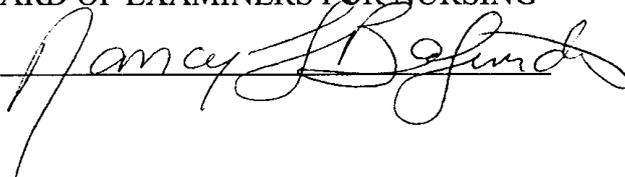
5. The four (4) year probation of the Respondent's registered nurse license shall commence on April 15, 1996.

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

Dated at Wethersfield, Connecticut this 3rd day of April 1996.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, appearing to read "Nancy L. Beford", written over a horizontal line.

morin.doc



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

April 18 2000

Rosemarie Morin, RN
26 Quarry Road
Branford, Connecticut 06405

Re: Memorandum of Decision
Petition No. 941206-010-115
License No. R25164

Dear Ms. Morin:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective 4/15/2000.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Thank you for your cooperation during this process.

Very truly yours,

Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: D. Tomassone
J. Wojick



Phone: (860) 509-7400
Telephone Device for the Deaf (860) 509-7191
410 Capitol Avenue - MS # 12HSR
P.O. Box 340308 Hartford, CT 06134
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