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STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health v.

Jean Trusewicz, R.N.

Registered Nurse License No. R27007

32 Cedar Rock Road

Woodbridge, Connecticut 06525

CASE PETITION NO. 940209-10-015

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services ^{1/} (hereinafter the "Department") with a Statement of Charges dated July 21, 1994 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Jean Trusewicz (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated December 7, 1994 scheduling a hearing for March 22, 1995 (Department Exhibit 1). The hearing took place on March 22, 1995 at the Department of Public Health and Addiction Services, Second Floor Hearing Room, 20 Trinity Street, Hartford, Connecticut.

^{1/} Prior to July 1, 1995 the Department of Public Health was known as the Department of Public Health and Addiction Services. (Connecticut Public Act 95-257)

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 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. Jean Trusewicz, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R27007 on January 21, 1975 and was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1-B)
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 the terms for the retention of her license. (Hearing Transcript, March 22, 1995, p. 3)
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered by certified mail to the Respondent.
4. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, March 22, 1995, p.2).
5. During the hearing the Respondent verbally answered the Statement of Charges. (Hearing Transcript, March 22, 1995, p. 6)
6. The Respondent has been employed as a registered nurse at Milford Hospital, Milford, Connecticut since on or about June 1981. (Department Exhibit 1-C7) (Hearing Transcript, March 22, 1995, p. 10)

7. From on or about August 1993 to January 1994, while working as a registered nurse at Milford Hospital, the Respondent diverted for her own use, the controlled substance Percocet. (Department Exhibit 1-A) (Hearing Transcript, March 22, 1995, pp. 12, 15-16)
8. From on or about August 1993 to January 1994, while working as a registered nurse at Milford Hospital the Respondent falsified controlled substance administration records by indicating that the Percocet she diverted to her own use had been administered to patients. (Department Exhibit 1-A)
9. From on or about August 1993 to January 1994, the Respondent abused the controlled substance Percocet which she diverted from Milford Hospital. (Hearing Transcript, March 22, 1995, pp. 16-17)
10. From on or about January 17, 1994 to on or about February 25, 1994 the Respondent underwent chemical dependency treatment at the Guenster Rehabilitation Center, Bridgeport, Connecticut. (Department Exhibit 1-D6)
11. The Respondent continues to receive treatment and counseling for chemical dependency. (Respondent's Exhibit A)

DISCUSSION AND CONCLUSIONS

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

Jean Trusewicz 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 information as mandated by the General Statutes of Connecticut §4-177 and §4-182.

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 on or about August 1993 and January 1994, while working as a registered nurse at Milford Hospital, Milford, Connecticut, the Respondent:

- "a. diverted to herself the narcotic controlled substance Percocet; and/or,
- b. falsified one or more controlled substance administration records; and/or,
- c. abused and/or utilized to excess the narcotic controlled substance Percocet."

The Respondent admits these charges. (Answer: Hearing Transcript, March 22, 1995, p. 6)

PARAGRAPH 3 of the Statement of Charges alleges that as recently as on or about January of 1994 the Respondent has abused and/or excessively utilized Percocet.

The Respondent admits this charge. (Answer: Hearing Transcript, March 22, 1995, p. 6)

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 conduct, incompetence or negligence in carrying out 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 and the Respondent's admission, the Board concludes that the Respondent's conduct as specified in Paragraphs 2 and 3 of the Statement of Charges is proven and that the Respondent has violated the General Statutes of Connecticut §20-99(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 and 3 of the Statement of Charges the Respondent's registered nurse license, No. R27007, is placed on **probation** until April 1, 1997.

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 her 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, he shall provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board, within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.

 - C. 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 nurse during the period of her probation.

 - D. The Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor, if employed as a nurse, for the entire probationary period.

 - E. The employer reports cited in Paragraph D 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 O below and shall commence with the report due October 1, 1995.

- F. At her own expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist for the entire period of probation.
- G. 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.
- H. The Respondent shall cause monthly therapy reports to be submitted to the Board by her therapist, commencing on October 1, 1995, for the entire probationary period.
- I. The therapist reports cited in Paragraph H 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 O below.
- J. 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. Said 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 one random alcohol/drug screen monthly for the entire probationary period. Reports of said random alcohol/drug screens are due monthly commencing with reports due on September 1, 1995.

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 O below, by the Respondent's therapist or personal physician or the testing laboratory.

K. 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.

L. 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 substances 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.

M. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.

N. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.

O. All correspondence and reports are to be addressed to:

BOARD OF EXAMINERS FOR NURSING
Department of Public Health and Addiction Services
150 Washington Street
Hartford CT 06106

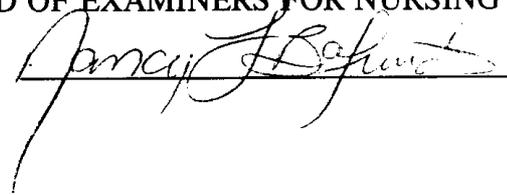
3. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order and will subject the Respondent to sanctions under §19a-17(a) and (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 Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut 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 reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health and Addiction Services or the Connecticut Board of Examiners for Nursing.)
4. This Memorandum of Decision becomes effective, and the probation of the Respondent's registered nurse license shall commence, on the date this Decision is signed by the Board of Examiners for Nursing.

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

Dated at Hartford, Connecticut this 31st day of August, 1995.

BOARD OF EXAMINERS FOR NURSING

By



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