

Martha Lanoue  
14 Tudor Lane  
Naugatuck, CT 06770

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

State of Connecticut  
Department of Public Health  
vs.  
Martha Lanoue, RN  
Registered Nurse License No. R27532  
Respondent.

CASE PETITION NO. 950906-10-083

**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 July 23, 1996 (Department Exhibit 1-A1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Martha Lanoue (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 24, 1996, scheduling a hearing for October 2, 1996 (Department Exhibit 1-A2). The hearing took place on October 2, 1996, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

During the hearing on October 2, 1996, the Department orally amended the Statement of Charges Paragraph 3, by changing "1962" to "1984." (Hearing Transcript, October 2, 1996, p. 4)

During the hearing the Respondent presented a Motion for Order Without Testimony (Respondent's Exhibit C). The Board granted the Respondent's motion that the Board render a decision in this matter by ordering probation of the Respondent's registered nurse license (Hearing Transcript, October 2, 1996, p. 12). Said decision would be based on the Respondent's Answer to the Statement of Charges and the Board's review of the documentary evidence presented during the hearing, thereby foregoing the presentation of oral testimony.

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.

### FACTS

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

1. Martha Lanoue, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R27532 on July 16, 1975. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-C)
2. The Respondent was given due notice of the hearing and charges against her. Department Exhibit 1-A indicates that the Statement of Charges and Notice of Hearing were delivered to the Respondent by certified mail on July 27, 1996.
3. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, October 2, 1996, p. 2)
4. The Respondent submitted a written answer to the Statement of Charges. (Respondent's Exhibit A-1)

5. Beginning on or about September 1989, the Respondent has been employed as a registered nurse at St. Mary's Hospital, Waterbury, Connecticut. (Department Exhibit 1-B5) (Respondent's Exhibit A-5, p. 9)
6. From approximately December 1994 until approximately February 1995, while working as a registered nurse at St. Mary's Hospital, the Respondent diverted for her own personal use the controlled substance Percocet from hospital stock. (Department Exhibit 1-B) (Answer: Respondent's Exhibit A-1)
7. The Respondent accomplished the diversion of Percocet by falsifying controlled substance proof of use sheets. The Respondent documented on controlled substance proof of use sheets that the doses of Percocet she diverted for her own personal use had been administered to patients. (Department Exhibit 1-B)
8. From approximately 1984 until approximately February 1995 the Respondent has excessively used and abused alcohol. (Respondent's Exhibits A-1, A-3, B)
9. Since February 16, 1995, the Respondent has engaged in treatment and counseling for chemical dependency at BlueRidge Center, Bloomfield, Connecticut. Since August 1995 the Respondent has engaged in counseling for chemical dependency at Family Counseling of Cheshire, Cheshire, Connecticut. The Respondent has been participating in Alcoholics Anonymous and an impaired professionals support group. (Respondent's Exhibits A-2, A-3, A-4, B)
10. The Respondent continues to be employed as a registered nurse at St. Mary's Hospital and participates in the hospital's employee assistance program. (Respondent's Exhibit A-5)

**DISCUSSION AND CONCLUSIONS**

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

Martha Lanoue 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 from approximately December 1994 until approximately February 1995, while working as a registered nurse at St. Mary's Hospital, Waterbury, Connecticut, the Respondent diverted Percocet for her own personal use from hospital stock.

PARAGRAPH 3 the Statement of Charges as amended alleges that since approximately 1984 until approximately 1995, the Respondent has abused or excessively used alcohol.

The Respondent admits these charges. (Answer: Respondent's Exhibit A-1)

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 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 and the Respondent's admission, the Board concludes that the Respondent's conduct as alleged in Paragraphs 2 and 3 of the Statement of Charges is proven and that said conduct constitutes violations of 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 and 3 of the Statement of Charges, the Respondent's registered nurse license, No. R27532, is placed on probation for a period of three (3) 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. During the period of probation the Board shall pre-approve the Respondent's employment or change of employment within the nursing profession.
  - B. 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 employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
  - C. If employed as a nurse, 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 business day of March 1997.

- D. The employer reports cited in Paragraph C above shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph O below.
- E. Should the Respondent's employment as a nurse be voluntarily or involuntarily terminated, the Respondent and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
- F. At her expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist during 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 evaluation reports to be submitted to the Board by her therapist during the entire probationary period. Therapist reports are due on the first business day of March 1997.
- 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 submitted directly to the Board at the address cited in Paragraph O below.
- J. At her 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.

The Respondent shall submit to at least two (2) such random alcohol/drug screens monthly during the first eighteen (18) months of the probationary period and at least one (1) random alcohol/drug screen monthly during the final eighteen (18) months of the probationary period.

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/drug screens shall be submitted directly to the Board, at the address cited in Paragraph O below, by the Respondent's therapist, personal physician or the testing laboratory. Reports of said alcohol/drug screens are due on the first day of the month commencing with the reports due on the first business day of March 1997.

- 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. The Respondent shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.
- 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 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.
- 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:

**DEPARTMENT OF PUBLIC HEALTH  
BOARD OF EXAMINERS FOR NURSING  
LEGAL OFFICE - MONITORING & COMPLIANCE**  
410 Capitol Avenue, MS #12LEG  
P. O. Box 340308  
Hartford CT 06134-0308

- 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. Any finding that the Respondent has violated this Order 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 subsequent action. 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 the Respondent's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).

4. This Memorandum of Decision becomes effective, and the three (3) year probation of the Respondent's registered nurse license shall commence, on February 1, 1997.

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

Dated at Hartford, Connecticut this 22nd day of January 1997.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, appearing to read "Nancy H. Befund", is written over a horizontal line.