

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health

Petition No. 2005-0504-010-043

vs.

Martha Blood, RN, Lic. No. R27670
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 and Motion for Summary Suspension dated May 23, 2005. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Martha Blood (hereinafter "respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On June 1, 2005, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent's registered nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated June 1, 2005 scheduling a hearing for June 15, 2005. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Summary Suspension Order, Notice of Hearing and Statement of Charges were served on respondent by State Marshal on June 6, 2005. Dept. Exh. 2.

The hearing took place on June 15, 2005, in Room 1-B, Legislative Office Building, 300 Capitol Avenue, Hartford, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, June 15, 2005 p. 2.

Respondent submitted a letter dated June 12, 2005, which the Board construes to be an Answer to the Statement of Charges. Resp. Exh. B. Transcript, June 15, 2005 pp. 2-6.

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.

Findings of Fact

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

1. Respondent was issued registered nurse license number R27670 on September 16, 1975. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 3, tab 2.
2. Pursuant to a Consent Order dated February 16, 2005, the Board 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 Morphine, Ativan and Dilaudid. Said Order specifically provided that respondent shall not obtain or use controlled substances, legend drugs or alcohol in any form unless prescribed or recommended for a legitimate therapeutic purpose by a licensed health care professional authorized to prescribe medications and that respondent shall submit to random alcohol/drug screens that shall be negative for the presence of alcohol and drugs. Dept. Exh. 3, tab 1b.
3. Respondent submitted to random urine screening on April 19, 2005. Laboratory results for the April 19, 2005 urine specimen were positive for the presence of butalbital, a barbiturate. Dept. Exh. 3, tabs 1a, 1c.
4. As an explanation for the positive urine screen, respondent claims that on or about April 16, 2005, she took one tablet of Fiorinal or Fioricet for a migraine. Respondent claims this one tablet was all that remained from a prescription she received many years ago. She was no longer in possession of the prescription bottle, nor was she able to obtain a written statement from the prescribing physician.

Conclusions of Law and Discussion

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

Martha Blood 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 his 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.

PARAGRAPHS 2 and 3 of the Statement of Charges allege that on February 16, 2005, respondent entered into a Consent Order which placed her registered nurse license on probation for four years and that said Consent Order required her to submit to urine screens, based on her admitted diversion of Morphine, Ativan and/or Dilaudid.

PARAGRAPH 4 of the Statement of Charges alleges that on April 19, 2005, respondent tested positive for barbiturates.

PARAGRAPHS 5 and 6 of the Statement of Charges allege that on May 4, 2005, respondent informed the Department that she had taken Fiorinal or Fioricet tablet for a migraine on or about April 16, 2005, that she had discarded the bottle; that she could not obtain a statement from the physician since he had left area, and that the pharmacy that filled the prescription was no longer in business.

Respondent admits these charges. Resp. Exh. B.

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 further concludes that said conduct violates the terms of probation as set forth in the Consent Order dated February 16, 2005. 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:

1. That the Summary Suspension of respondent's registered nurse license, number R27670, ordered on June 1, 2005, is vacated on the effective date of this Memorandum of Decision.
2. That the Consent Order dated February 16, 2005 shall continue in full force and effect.
3. The probation of respondent's registered nurse license number R27670 ordered pursuant to the Consent Order dated February 16, 2005, is modified as follows:
 - a. The period of probation is extended until August 1, 2009.

- O. The Board must be informed in writing prior to any change of address.
- P. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, RN, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
Board of Examiners For Nursing
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford CT 06134-0308

- 4. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject 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 shall not be a waiver or preclude the Board's right to take subsequent action. The Board 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 Office of Practitioner Licensing and Certification of the Department of Public Health or the Board).
- 4. This Memorandum of Decision becomes effective on the date signed by the Board of Examiners for Nursing.

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

Dated at Hartford, Connecticut this 7th day of September 2005.

BOARD OF EXAMINERS FOR NURSING

By 



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

August 24, 2009

Martha Blood, RN
182 Quinnipiac St.
Apt. 2 West
Wallingford, CT 06492

Re: Memorandum of Decision
Petition No. 2005-0504-010-043
License No. R27670

Dear Ms. Blood:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective August 1, 2009.

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.

Please be certain to retain a copy of this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process, and good luck to you in the future.

Very truly yours,

Bonnie Pinkerton, RN, Nurse Consultant
Practitioner Licensing and Investigations Section

cc: J. Filippone
J. Wojick



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