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STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

IN RE:

David Voegtle
473 Whittlemore Road
Middlebury, CT 06762

Lic[#] R 30319

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing, (hereafter the "Board"), was presented by the Department of Health Services with a Notice of Hearing and Statement of Charges dated September 20, 1984.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Notice of Hearing provided that the hearing would take place on October 9, 1984 in the State Armory at 360 Broad Street Hartford, Connecticut.

Each member of the Board of Examiners for Nursing involved in this decision attests that he/she has reviewed the record, and that this decision is based entirely on the record.

FACTS

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

1. David Voegtle, respondent, was at all pertinent times licensed to

practice nursing as a registered nurse in Connecticut, with registration number R-30319.

2. Pursuant to Connecticut General Statutes, Section 4-182(c), the respondent was provided a full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of his license.

3. The respondent while employed as a nurse at St. Mary's Hospital in Waterbury, Connecticut during September and October of 1983 (1) on numerous occasions diverted one or more of the following controlled substances: Codeine Phosphate injection, Meperidine HCl injection, Morphine Sulfate injection, Diazepam, and Dilaudid; (2) on numerous occasions unlawfully administered to himself one or more of the following controlled substances: Codeine Phosphate injection, Hydromorphone HCl injection, Meperidine HCl injection, Morphine Sulfate injection, Diazepam and Dilaudid; (3) on numerous occasions administered to himself controlled substances while on duty; and (4) abused or excessively used a controlled substance.

4. The activities referenced in paragraph three (3) were uncovered by Drug Control Agency Henry Z. Karanian, and Senior Drug Control Agent William Ward during an investigation conducted during October, 1983.

DISCUSSION AND CONCLUSIONS

5. The First Count alleges that the respondent violated provisions of Section 20-99(b) on numerous occasions by diverting one or more of the following controlled substances: Codeine Phosphate injection, Morphine Sulfate injection, Meperidine HCl injection, Hydromorphone HCl injection and Diazepam during September and October of 1983 while employed as a nurse at St. Mary's Hospital in Waterbury.

In pertinent part, Section 20-99(b) forbids: ...(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions.

The Board determined that the respondent during September and October 1983 while employed as a nurse at St. Mary's Hospital in Waterbury on numerous occasions diverted one or more of the following controlled substances: Codeine Phosphate injection, Morphine Sulfate injection, Meperidine HCl injection, Hydromorphone HCl injection and Diazepam. Standards of practice dictate that medications in hospital stock supply be administered only to patients in accordance with physician's orders.

Based on the foregoing, the Board concludes that the respondent has violated Section 20-99(b) as specified in the First Count.

6. The Second Count alleges that the respondent violated provisions of Section 20-99(b) on numerous occasions by administering to himself one or more of the following controlled substances: Codeine Phosphate injection, Morphine Sulfate injection, Meperidine HCl injection, Hydromorphone HCl injection, Diazepam and Dilaudid during September and October of 1983 while employed as a nurse at St. Mary's Hospital in Waterbury.

In pertinent part, Section 20-99(b) forbids: ...(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals.

The Board determined that the respondent during September and October 1983 while employed as a nurse at St. Mary's Hospital in Waterbury on numerous occasions administered to himself one or more of the following controlled substances: Codeine Phosphate injection, Morphine Sulfate injection, Meperidine HCl injection, Hydromorphone HCl injection, Diazepam and Dilaudid. Standards of practice dictate that medications in hospital stock supply be administered only to patients in accordance with physician's orders.

Based on the foregoing, the Board concludes that the respondent has violated Section 20-99(b) as specified in the Second Count.

7. The Third Count alleges that the respondent violated provisions of Section 20-99(b) on numerous occasions by administering to himself controlled substances while on duty during September and October of 1983 while employed as a nurse at St. Mary's Hospital in Waterbury, Connecticut.

In pertinent part, Section 20-99(b) forbids: ...(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals.

The Board determined that the respondent during September and October of 1983 while employed as a nurse at St. Mary's Hospital in Waterbury, Connecticut on numerous occasions administered controlled substances to himself. Standards of practice dictate controlled substances are self administered only within a therapeutic regime designed by a physician; and at a time which does not coincide or interfere with patient care responsibilities.

Based on the foregoing, the Board concludes that the respondent has violated Section 20-99(b) as specified in the Third Count.

8. The Fourth Count alleges that the respondent violated provisions of Section 20-99(b) by abusing or excessively using a controlled substance during September and October 1983 while employed as a nurse at St. Mary's Hospital in Waterbury, Connecticut.

In pertinent part, Section 20-99(b) forbids: ...(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals.

The Board determined that the respondent abused or excessively used a controlled substance during September and October 1983 while employed as a nurse at St. Mary's Hospital in Waterbury, Connecticut.

Based on the foregoing, the Board concludes that the respondent has violated Section 20-99(b) as specified in the Fourth Count.

ORDER

9. It is the unanimous decision of the Board of Examiners for Nursing that:

a. The license of the respondent be suspended for a minimum period of three years determined as follows:

- i. as to the First Count, one (1)-year suspension;
- ii. as to the Second Count, one (1) year suspension;
- iii. as to the Third Count, one (1) year suspension;
- iv. as to the Fourth Count, one (1) year suspension;
- v. Counts One, Two and Three are to run consecutively; Count Four to run concurrently with Count Three for a total effective suspension of three (3) years.
- vi. The respondent may request a stay of suspension after two (2) years and apply for probationary status for the third year of the suspension. The application for probationary status should include submission of documentation

- A. which indicates he has engaged in counseling with a licensed therapist, at his own expense, remained drug and alcohol free, validated by random chemical screens during the period of suspension, and is competent to return to the practice of nursing;
- B. that he has a future position as a registered nurse in an agency whose Director of Nursing is aware of the disciplinary action; and an immediate supervisor who is willing to submit documentation to the Board relative to his ability to practice nursing competently in accordance with conditions of probation.

- vii. The conditions of probation will be defined at the time the suspension is stayed.
- b. The said period of suspension shall commence on January 1, 1985.
- c. At the end of the three (3) year disciplinary action specified in (a) the respondent may apply for reinstatement in writing and submit summary documentation from a licensed therapist of current psychological health, drug free status, and ability to practice nursing competently.

10. The respondent, David Voegtle, is hereby directed to surrender his license and current registration to the Board of Examiners for Nursing at 150 Washington Street, Hartford, Connecticut 06106 on or before January 1, 1985.

11. The Board of Examiners for Nursing herewith advises the Department of Health Services of the State of Connecticut of this decision.

Dated at *Hartford*, Connecticut, this *20th* day of *December*, 1984

BOARD OF EXAMINERS FOR NURSING

BY: *Bette Jane M. Murphy, R.N.*
Bette Jane M. Murphy, R.N., Chairman