

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES

In Re: Catherine Cooney, R.N.

Petition No. 980608-010-045

CONSENT ORDER

WHEREAS, Catherine Cooney (hereinafter "respondent") of Manchester, Connecticut has been issued license number R30875 to practice as a registered nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits and acknowledges that:

1. On or about May 7, 1998, respondent consumed alcohol in contradiction to her Consent Order, dated April 2, 1997 (Petition No. 960806-010-054), which specifically prohibited respondent from consuming alcohol during her two (2) ^{year} probation. A copy of the April 2, 1997, Consent Order is attached and incorporated herein by reference as Attachment "A."
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, 20-99(b).

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WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations at a hearing in front of the Board of Examiners for Nursing (hereinafter "the Board"). Respondent further agrees that this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(b) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-99(a) of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to her profession.
3. All terms set forth in the April 2, 1997, Consent Order, are hereby adopted and incorporated herein, subject to the additional terms, amendments and conditions:
 - A. Respondent shall pay a civil penalty of five hundred dollars (\$500.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
 - B. Respondent's license number R30875 to practice as a registered nurse in the State of Connecticut, is hereby placed on probation for an additional two (2) years. Such period of probation shall commence on the expiration date of the probation period referenced in Attachment "A."
 - C. Commencing immediately upon the effective date of this Consent Order, the screening called for in the original Consent Order (Attachment "A") shall be modified. For the entire remaining probationary period, inclusive of all remaining time in the original Consent Order ("Attachment A"), there must be continued observed random alcohol/drug screen and accompanying laboratory report as follows:
 - (1) There must be at least two (2) weekly observed random alcohol/drug screens and accompanying laboratory report every week for the next three (3) months.

(2) Thereafter, there must be at least one (1) weekly observed random alcohol/drug screens and accompanying laboratory report every week for the remaining period of probation.

D. Respondent shall not administer, count, or have access to narcotics or other controlled substances, or have responsibility for such activities in the course of her nursing duties for one (1) year from the effective date of this Consent Order ~~the entire probationary period, inclusive of the remaining probation period set forth in Attachment "A."~~ or after May 1, 1999.

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At her own expense, she shall continue to engage in therapy and counseling with a Connecticut licensed or certified therapist (hereinafter "therapist") approved by the Board and the Department for the entire probationary period.

- (1) She shall provide a copy of this Consent Order to her therapist.
- (2) The therapist's report to the Department shall be expanded (see, Attachment "A", paragraph C, p. 4). to include verification of respondent's participation in narcotics anonymous, alcoholics anonymous, nurses for nurses or any other group for recovering professionals which utilizes the 12-step structured recovery program.
- (3) All other terms of the therapy set forth in Attachment "A" shall remain in effect.

F. At her expense, respondent shall be responsible for submitting random chain of custody 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 employer. Alcohol/drug screening may also be ordered by the Board of Examiners for Nursing and/or the Department to ensure compliance with this and the previous Consent Order attached herein as Attachment "A."

- G. Respondent shall enroll and participate in narcotics anonymous, alcoholics anonymous, nurses for nurses or any other group for recovering professionals which utilize the 12-step structured recovery program.
- H. Respondent shall provide a copy of this Consent Order and Attachment "A" to all current and future employers for the duration of her probation.
- I. Respondent shall be responsible for the provision of written reports directly to the Board and the Department from her nursing supervisor (i.e., Director of Nursing) monthly for the entire period of her probation. Employer reports shall include documentation of respondent's ability to safely and competently practice nursing, and shall be issued to the Board and the Department at the address cited in paragraph 4 below.
4. All correspondence and reports shall be addressed to:
- Jeffrey Kardys
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308
5. Any violation of the terms of this Consent Order without prior written approval by the Board shall constitute grounds for the Department to seek revocation of the respondent's nursing license following notice and an opportunity to be heard.
6. 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 action at a later time. The Board shall not be required to grant future extensions of time or grace periods.

7. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
8. This Consent Order is effective immediately this Consent Order is approved and accepted by the Board.
9. Respondent understands this Consent Order is a matter of public record.
10. Respondent understands this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Board in which (1) her compliance with this same Consent Order is at issue, or (2) her compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue.
11. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a registered nurse, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that her failure to cooperate with the Department's investigation shall be considered by the Board and shall be given due weight by the Board in determining whether respondent's conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes,

sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

- 12. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Board.
- 13. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that respondent may have under the laws of the State of Connecticut or of the United States.
- 14. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. The Department and respondent understand that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.
- 15. Respondent has had the opportunity to consult with an attorney prior to signing this document.

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I, Catherine Cooney, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Catherine Cooney
Catherine Cooney, R.N.

Subscribed and sworn to before me this 1 day of July, 1998.

Michael J. King
~~Notary Public~~ or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 10th day of July, 1998, it is hereby accepted.

Cynthia Denne
Cynthia Denne, Director
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 15th day of July, 1998, it is hereby ordered and accepted.

BY: *Nancy Bar*
Connecticut Board of Examiners for Nursing

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