

1984-0813-010-028

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Richard Pepe, R.N., Lic. No. R31471
210 Bradley Avenue
Meriden, CT 06450

AMENDED MEMORANDUM OF DECISION

Richard Pepe, Petitioner, was licensed to practice nursing as a registered nurse by the Connecticut Board of Examiners for Nursing (hereinafter the "Board") by examination on November 28, 1978.

In a Memorandum of Decision dated July 3, 1985 (a copy attached), the Board ordered that the Petitioner's license be suspended for five years, with an immediate stay to probation, for the following offenses:

- 1.) Diverted Cocaine for personal use.
- 2.) Improperly substituted Xylocaine for Cocaine.
- 3.) Abuse or used excessively the substance Cocaine.

Following issuance of the aforementioned Suspension, with a stay to probation, the Petitioner requested a reinstatement of his suspended license per a letter from his Attorney to the Board received on January 16, 1990.

Pursuant to Connecticut General Statutes section 19a-17, proper notice of the Petitioner's request for reinstatement was given verbally, via telephone contact on the date of February 9, 1990 by Marie T. Hilliard, Ph.D., R.N., Executive Officer of the Board, to the petitioner's attorney. The Notice provided that the Petitioner's Request for a Hearing was granted for the date of February 27, 1990 in room 112, Maxim Road, Brainard Field, Hartford, Connecticut, which was the Board's scheduled hearing date.

The Petitioner was present and represented by counsel at the above mentioned hearing. The Petitioner waived his right to a quorum for the hearing at his request and a court recorder. What follows are the findings of fact, discussion of issues, and conclusions of the Board in the matter above, which took place at the Board's March 13, 1990 meeting, when a quorum was present.

FACTS

1. The Petitioner has spent the four years and seven months since the suspension, with a stay to probation, of his license working in nursing.

2. Pursuant to the Petitioner's current Memorandum of Decision, he may apply to the Board for the termination of probation upon presentation that certain conditions have been satisfied. Reinstatement conditions are, in relevant part, that the following evidence be received by the Board within the time frames provided for by the Memorandum of Decision:

a.) continued therapy with Dr. Frank Gawin, M.D., as prescribed by Dr. Gawin;

b.) participation in a self help group;

c.) submission of bimonthly therapy reports in the first year of suspension, quarterly reports thereafter, and random chemical urine screens, from Dr. Gawin;

d.) submission of reports from his employer documenting his ability to function safely and drug-free in his nursing role;

e.) have no access to cocaine or amphetamines; if such drugs are used in the setting where he is employed, rigid controls must exist as to his access to the drugs.

3.) The Petitioner is requesting that the Board terminate his probation earlier than the prescribed time, pursuant to the Memorandum of Decision dated, July 03, 1985.

DISCUSSION AND CONCLUSIONS

Pursuant to the Petitioner's current Memorandum of Decision, he may apply to the Board for the termination of probation upon presentation that certain conditions have been satisfied. Reinstatement conditions are, in part, that the following evidence be received by the Board within the time frames provided for by the Memorandum of Decision:

- a.) continued therapy with Dr. Frank Gawin, M.D., as prescribed by Dr. Gawin;
- b.) participation in a self help group;
- c.) submission of bimonthly therapy reports in the first year of suspension, quarterly reports thereafter, and random chemical urine screens, from Dr. Gawin;
- d.) submission of reports from his employer documenting his ability to function safely and drug-free in his nursing role;
- e.) have no access to cocaine or amphetamines; if such drugs are used in the setting where he is employed, rigid controls must exist as to his access to the drugs.

Through testimony given at the hearing on the date of February 27, 1990, by the Petitioner and his Attorney, there was evidence that the the Petitioner met the aforementioned conditions to the degree specified below. In his own testimony, the Petitioner stated the following:

- a.) that he continued therapy with Dr. Gawin for the prescribed amount of time pursuant to his Memorandum of Decision;
- b.) the Petitioner participated in a self help group called Nurses for Nurses continuously for the above referenced time period;
- c.) the Petitioner's therapist was responsible for submitting reports to the Board pursuant to the Petitioner's Memorandum of decision; however, not all therapy reports from Dr. Gawin's office were received in a timely manner, pursuant to the Memorandum of Decision, dated July 03, 1985;
- d.) the Petitioner's employer was responsible for submitting reports to the Board pursuant to the Petitioner's Memorandum of decision, documenting his ability to function safely and drug-free in his nursing role; however, not all of the employer reports were received in a timely manner, pursuant to the Memorandum of Decision;

e.) the Petitioner was to have no access to cocaine or amphetamines; if such drugs are used in the setting where he is employed, rigid controls must exist as to his access to the drugs; the Petitioner's employer stated in a letter dated July 31, 1986 to the Board that the Petitioner would have no access to these medications (copy attached).

The Board has determined that the Petitioner has documented that he has functioned safely and in a drug free state during the four year and seven month period of stayed suspension. Therefore, the Board concludes that the Petitioner is eligible for reinstatement of his license.

ORDER

It is the unanimous decision of those members of the Board of Examiners for Nursing who were present and voting that:

1. The Petitioner is hereby eligible for reinstatement upon the date of July 1, 1990 if one therapist report is received between February 27, 1990 and July 1, 1990. The previous date of reinstatement, that of July 15, 1990, is hereby amended as such.

2. The effective date of this order is July 1, 1990.

The Board of Examiners for Nursing hereby informs the Respondent and the Department of Health Services of the State of Connecticut of this decision.

Dated at *Hartford*, Connecticut, this *12th* day of *June*, 1990.

BOARD OF EXAMINERS FOR NURSING

BY *Bette Gene M. Murphy*

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