

Marcus Hassell  
50 Butternut Lane  
Forestville, CT. 06101

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

State of Connecticut  
Department of Public Health  
vs.  
Marcus Hassell, RN  
Registered Nurse License No. R35245  
Respondent.

CASE PETITION NO. 980318-010-020

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 April 7, 1998 (Dept. Exh. 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Marcus Hassell (hereinafter "respondent") which would subject respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing dated April 15, 1998, scheduling a hearing for June 17, 1998. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against him. Department Exhibit 1 indicates that the Statement of Charges was delivered by certified mail to respondent.

The hearing took place on June 17, 1998, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing and was represented by counsel. Tr., June 17, 1998, pp. 2.

Respondent provided a written and oral Answer to the Statement of Charges. Dept. Exh. 2; Tr., June 17, 1998, p. 10.

During the hearing, respondent's exhibits B, C, D and E were placed under seal; in addition portions of respondent's testimony (Tr., June 17, 1998, pp. 8-22, 68-74) were received in executive session.

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 R35245 on March 23, 1982. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-A.; Answer: Dept. Exh. 2.
2. Prior to becoming licensed as a registered nurse in the State of Connecticut, respondent held a professional nursing license in the State of Texas. On or about November 10, 1982, respondent's Texas nursing license was revoked for appropriating controlled substances without authorization and for signing out medications on controlled substance records without a physician's order. Dept. Exh. 1-D.
3. Pursuant to a Memorandum of Decision dated August 22, 1984, respondent's Connecticut registered nurse license was revoked for diverting controlled substances; falsifying medication administration records; failing to maintain proper and adequate medication records; and abuse of controlled substances including use of controlled substances while on duty. Respondent's conduct occurred during 1983 and 1984. Dept. Exh. 1-A and 1-E.
4. Pursuant to a Memorandum of Decision on Reinstatement Request dated October 28, 1987, respondent's registered nurse license was reinstated and placed on probation for a period of two years. Dept. Exh. 1-A and 1-F.
5. Respondent's license number R35245 was current during 1997. Dept. Exh. 1-A.
6. On or about September 12, 1997, respondent was arrested in Southington, Connecticut for attempting to obtain with a fraudulent prescription the legend drug Imitrex from the Stop & Shop Pharmacy, 505 North Main Street, Southington, Connecticut. Dept. Exh. 1-A4.
7. In or about November 1997, respondent was arrested subsequent to an investigation by the Southington Police. The investigation determined that respondent obtained medications, including controlled substances, by using fraudulent prescriptions at the Stop & Shop Pharmacy on five different dates from February 1997 through June 1997. The dates and drugs obtained are

as follows: 02/16/97 - Propoxy 100-650 tabs, Diphenhydramine 50 mg caps, and a Imitrex 6 mg syringe; 03/12/97 - Imitrex 6 mg syringe; 03/15/97 - Propoxy 100-650 mg tabs, two (2) Imitrex 6 mg syringes; 04/06/97 - Imitrex 6 mg syringe; 06/06/97 - Propranolol 10 mg tabs, Hydrocodone 7.5-750 tabs, and three (3) Imitrex 6 mg syringes. Dept. Exh. 1-C12; Dept. Exh. 2.

8. From in or about February 1997 through June 1997, respondent abused or utilized to excess the medications Propoxy, Diphenhydramine, Imitrex, Propranolol and Hydrocodone. Dept. Exh. 2.
9. During September 1997, respondent abused or utilized to excess the medication Imitrex. Dept. Exh. 2.
10. Respondent's abuse of Imitrex, Propoxy, Diphenhydramine, Propranolol and Hydrocodone does and/or may affect respondent's practice as a registered nurse. Dept. Exh. 2.
11. During 1996 respondent engaged in treatment at Conifer Park and Blue Hills Hospital due to a relapse of his substance abuse. Rt. Exh. D, p. 4, 7; Tr., June 17, 1998, pp. 55-56.
12. From on or about December 10, 1997 to February 22, 1998, respondent engaged in substance abuse treatment at New Britain General Hospital, New Britain, Connecticut. Respondent's prognosis on discharge was guarded. Respondent was considered at high risk for continued substance abuse. Rt. Exh. C.
13. Respondent began substance abuse treatment at Wheeler Clinic, Plainville, Connecticut on or about January 22, 1998, and respondent has also engaged in individual treatment with a psychologist. Rt. Exh. E.
14. Respondent has a medical history of migraine headaches and pain associated with back problems for which he has been medicated. Rt. Exh. B, D and E. Tr., June 17, 1998, pp. 41, 46-48.

### *Conclusions of Law and Discussion*

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

Marcus Hassell 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(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut 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 the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The FIRST COUNT of the Statement of Charges alleges that while licensed as a registered nurse in the State of Connecticut, respondent, on or about September 12, 1997, attempted to procure Imitrex at a Stop & Shop Pharmacy using a false prescription, and that respondent was arrested by the Southington Police for his actions. It is further alleged that in or about September 1997, respondent abused or excessively used the medication Imitrex, and that respondent's abuse of Imitrex does and/or may affect his practice as a registered nurse.

Respondent admits these charges. Dept. Exh. 2.

The SECOND COUNT of the Statement of Charges alleges that on or about November 27, 1997, while licensed as a registered nurse in the State of Connecticut, respondent was re-arrested by the Southington Police Department subsequent to an investigation that revealed respondent had obtained drugs, including controlled substances, from the Stop & Shop Pharmacy on five different dates for the period February 1997 through June 1997, by using false prescriptions. It is further alleged that respondent abused or utilized to excess the drugs he obtained which included Propoxy, Diphenhydramine Imitrex, Propranolol and Hydrocodone, and that respondent's abuse of said substances does and/or may effect his practice as a registered nurse.

Respondent admits these charges. Answer: Dept. Exh. 2.

The General Statutes of Connecticut §20-99 provides in relevant part:

“(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17 . . . (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following: . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . . .”

Based on its findings and respondent's admissions, the Board concludes that respondent's conduct as alleged in the First Count and the Second Count of the Statement of Charges is proven and that said conduct constitutes a violation of the General Statutes of Connecticut §20-99(b)(5). Therefore, respondent's registered nurse is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

In determining appropriate sanctions in this matter the Board may consider, in addition to the charges upon which there is a finding of guilt, any evidence presented during the hearing which is relevant to respondent's ability to practice nursing in accordance with the accepted standards of the nursing profession.

The evidence presented indicates that respondent has a long history of substance abuse since at least 1983 with relapses in 1996 and 1997. The Board concludes, based its review of the evidence and respondent's testimony, that despite engaging in substance abuse treatment, respondent does not have any insight into his substance abuse problem. The Board further concludes respondent does not have an understanding of recovery and/or relapse prevention, and that respondent is at high risk for continued substance abuse.

#### ***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 the First Count and Second Count of the Statement of Charges, respondent's registered nurse license, No. R35245, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.
2. Respondent is hereby directed to immediately surrender Registered Nurse License No. R35245 to the Board of Examiners for Nursing, Department of Public Health, 410 Capitol Avenue, MS #13ADJ, PO Box 340308, Hartford, Connecticut 06134-0308.

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

Dated at Wethersfield, Connecticut this 17th day of March 1999.

BOARD OF EXAMINERS FOR NURSING

By Nancy L. Befano

hassel.doc

**CERTIFICATION**

I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 17<sup>th</sup> day of MARCH 1999, by certified mail, return receipt requested to:

Marcus Hassell  
50 Butternut Lane  
Forestville, CT 06101

Certified Mail Return Receipt Requested NO. P505288313

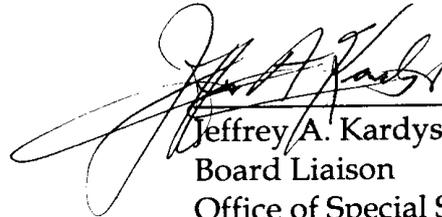
and

Arnold Bezer, Esq.  
429 Capitol Avenue  
Hartford, CT 06106

Certified Mail Return Receipt Requested NO. P505288314

and by inter-departmental mail to:

Stanley Peck, Director  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
Hartford, CT 06134

  
Jeffrey A. Kardys  
Board Liaison  
Office of Special Services - Adjudications