

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.
Glenn Basile, R.N., License No. R36490
111 Winchell Drive
Kensington, CT 06037

CASE PETITION NO. 890201-10-007

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Statement of Charges dated March 6, 1990.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing dated April 24, 1990. The hearing took place on May 24, 1990 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she has reviewed the record, and/or was present at the hearing, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FACTS

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

1. Glen Basile, hereinafter referred to as Respondent, was issued Connecticut Registered Nurse license number R36490 on March 31, 1983;
2. Pursuant to Connecticut General Statutes, Section 4-182(c), the Respondent was provided 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 was aware of the time and location of the hearing. Department Exhibit 2 indicates that notice of the location and time of this hearing were delivered by certified mail to the Respondent's address of record and to the Respondent's attorney.
4. The Respondent, while working as a registered nurse at St. Francis Hospital, Hartford, Connecticut, during 1985 and again in 1988, diverted the controlled substance Demerol.
5. The Respondent, while working as a registered nurse at St. Francis Hospital, Hartford, Connecticut, during 1985 and again in 1988, abused or utilized to excess one or more said Demerol.
6. The Respondent, while working as a registered nurse at St. Francis Hospital, Hartford, Connecticut, during 1985 and again in 1988, failed to completely or accurately make documentations in medical or hospital records.
7. The Respondent, while working as a registered nurse at St. Francis Hospital, Hartford, Connecticut, during 1985 and again in 1988, falsified one or more Controlled Substance Receipt Records.

DISCUSSION AND CONCLUSIONS

The First Count, Subsection 3a, alleges that while employed as a registered nurse at St. Francis Hospital during 1985 and 1988, and subsequent times thereto, the Respondent diverted the controlled substance Demerol. The Respondent admits this charge (Respondent's Exhibit A). Specifically, Respondent admitted in a handwritten statement to Drug Control Officer Herb Strickland, dated March 20, 1989, that "...I started diverting Demerol for my own use." (Department Exhibit 3, p. 8).

The above referenced conduct is a violation of Connecticut General Statutes Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...." Therefore, the Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(2), as specified in the First Count, Subsection 3a.

The First Count, Subsection 3b, alleges that while employed as a registered nurse at St. Francis Hospital during 1985 and 1988, and subsequent times thereto, the Respondent abused or utilized to excess one or more of said Demerol. The Respondent admits this charge (Respondent's Exhibit A). Specifically, Respondent admitted in a handwritten statement to Drug Control Officer Herb Strickland, dated March 20, 1989, that "...I started diverting Demerol for my own use." (Department Exhibit 3, p. 8).

The above referenced conduct is a violation of Connecticut General Statutes Section 20-99(b)(5), which includes "... (5) abuse

or excessive use of drugs, including alcohol, narcotics or chemicals...." Therefore, the Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(5), as specified in the First Count, Subsection 3b.

The First Count, Subsection 3c, alleges that while employed as a registered nurse at St. Francis Hospital during 1985 and 1988, and subsequent times thereto, the Respondent failed to completely or properly or accurately make documentations in the medical or hospital records. The Respondent admits this charge (Respondent's Exhibit A). Specifically, Respondent admitted in a handwritten statement to Drug Control Officer Herb Strickland, dated March 20, 1989, that "I withdrew 5 doses of Demerol (60 mg) for patient Joseph Dubard, for which I had no orders." (Department Exhibit 3, p. 9).

The above referenced conduct is a violation of Connecticut General Statutes Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...." and (6)...fraud or material deception in the course of professional services or activities...." Therefore, the Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(2) and (6), as specified in the First Count, Subsection 3c.

The First Count, Subsection 3d, alleges that while employed as a registered nurse at St. Francis Hospital during 1985 and 1988, and subsequent times thereto, the Respondent falsified one or more Controlled Substance Receipt Records. The Respondent admits this charge (Respondent's Exhibit A). Specifically, Respondent admitted in a handwritten statement to Drug Control Officer Herb Strickland,

dated March 20, 1989, that "I withdrew 5 doses of Demerol (60 mg) for patient Joseph Dubard, for which I had no orders." (Department Exhibit 3, p. 9).

The above referenced conduct is a violation of Connecticut General Statutes Section 20-99(b)(6), which includes "... (6) fraud or material deception in the course of professional services or activities...." Therefore, the Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(6), as specified in the First Count, Subsection 3d.

ORDER

It is the unanimous decision of those members of the Board of Examiners for Nursing who were present and voting that for the First Count, Section 3, Subsections (a), (b), (c), and (d):

1. The license of the Respondent be placed on probation for a minimum of three (3) years as follows:

- A. as to the First Count, Subsection 3a, three (3) years probation;
- B. as to the First Count, Subsection 3b, three (3) years probation;
- C. as to the First Count, Subsection 3c, three (3) years probation;
- D. as to the First Count, Subsection 3d, three (3) years probation;

E. the three (3) year probationary periods referenced in (A), (B), (C) and (D), above, are to run concurrently for an effective probationary period of three (3) years.

2. If any of the following conditions of probation are not met, the Respondent's license may be immediately revoked.

- A. He shall provide a copy of this Memorandum of Decision to his therapist.
- B. He shall engage in counseling with a licensed or certified therapist at his own expense.
- C. He shall be responsible for bi-monthly reports from his therapist for the first two years of his probation; said reports are due on the first business day after every second month.
- D. He shall be responsible for quarterly reports from his therapist for the third year of his probation; said reports are due on the first business day after every third month.
- E. He shall be responsible for random urine and/or blood screens for drugs and alcohol at the discretion of his therapist. He shall be responsible for notifying the laboratory and his therapist of any drug(s) he is taking. There must be at least one such drug and alcohol screen bi-monthly for the first two years of probation, and quarterly for the last year of probation. Said reports shall be negative for drugs and alcohol.

- F. Said reports cited in (C), (D), and (E) above, shall include documentation of dates of treatment, an evaluation of his progress and drug and alcohol free status, and copies of all the laboratory reports. Said reports shall be issued to the Board at the address cited in paragraph (O) below.
- G. He shall provide a copy of this Memorandum of Decision to his employer.
- H. He shall not accept employment as a nurse for a personnel provider service or community nursing or home health care agency other than the Visiting Nurse and Home Care, Inc. for the period of his probation. Prior to a change in employment status, he must the notify the Board and receive their approval. The Visiting Nurse and Home Care, Inc. must provide written documentation that he will not be assigned home care patients who receive controlled substances. His employer must document acceptance of this restriction.
- I. He shall be responsible for the provision of bi-monthly employer reports from his nursing supervisor (i.e. Director of Nursing) due on the first business day after every second month, for the the first two years of his probation.
- J. He shall be responsible for the provision of quarterly reports from his nursing supervisor due on the first business day after every third month, for the remaining year of his employment during the period of his probation.

K. Said reports cited in (H), (I), and (J) above, shall include documentation of his ability to safely and competently practice nursing. Said reports shall be issued to the Board at the address listed in paragraph (O) below.

L. He shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for him for a legitimate purpose by a licensed health care practitioner.

M. The Connecticut Board of Examiners for Nursing must be informed prior to any change of employment.

N. The Connecticut Board of Examiners for Nursing must be informed prior to change of address.

O. All correspondence and reports are to be addressed to:

Office of the Board of Examiners for Nursing
Department of Health Services
150 Washington Street
Hartford, CT 06106

3. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing shall constitute a violation of probation. A violation of any term(s) of probation shall result in the right of the Connecticut Board of Examiners for Nursing to immediately revoke or take other disciplinary action as cited in Connecticut General Statutes Section 19a-17 against his nursing license. Any extension or time of grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut Board of Examiners for Nursing shall not be required to grant future extensions of time or

grace periods. Notice of revocation or other disciplinary action shall be sent to his address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Health Services or the Connecticut Board of Examiners for Nursing).

4. The date of this period of probation shall commence on November 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 *11th* day of *September*, 1990.

BOARD OF EXAMINERS FOR NURSING

By *Ruth June M. Murphy, RN*

5475Q



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES

*Rec'd
11/12/93
JS
John, 10/1/93*

November 3, 1993

Glenn Basile
39 Oxford Street, 2nd Floor
Hartford CT 06105

RE: Connecticut RN License No. R36490

Dear Mr. Basile:

Your eligibility for reinstatement from probation of your registered nurse license has been reviewed, and the Board of Examiners for Nursing recommends that your license be reinstated with an effective date of November 1, 1993.

Renewal of your registered license is required, by law, annually during the month of your birth following the date of this letter. If the license is not renewed within ninety (90) days of the due date, it will become automatically void. This means that future reinstatement will require re-application.

State law requires you to notify this office within thirty (30) days of ANY change of address whether in or out of this state. Should you have any questions concerning this process contact this Department at 566-4979..

Sincerely,

Marie T. Hilliard

Marie T. Hilliard, Ph.D., R.N.
Executive Officer
Board of Examiners for Nursing

MTH:jew
4290/33

cc: Richard J. Lynch, Assistant Attorney General
Donna Buntaine Brewer, Chief, Public Health Hearing Office
John N. Boccaccio, Chief, Licensure & Registration
Joseph J. Gillen, Chief, Applications, Examinations and Licensure
Nurse Licensure, Applications, Examinations and Licensure
Judith Welsh, RN, MS, VNA Hartford Branch

MFC done 11-15-93

Phone: 566-1041

TDD: (203) 566-1279

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