

STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.

Kelly D. Sartori, R.N.

License No. R38167

Cobb City Road

Colebrook CT 06021

CASE PETITION NO. 921207-10-061

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 April 12, 1993. (Department Exhibit 5) The Statement of Charges alleged, in one count, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Kelly D. Sartori (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated April 21, 1993 scheduling a hearing for June 30, 1993. (Department Exhibit 5) The hearing took place on June 30, 1993 in Room 1-C, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. During the hearing the Board was informed the Respondent was delayed in arriving. (Board Exhibit 1) The Board continued the hearing to give the Respondent the opportunity to appear. (Hearing Transcript, June 30, 1993, pp. 8-13)

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 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. Kelly D. Sartori, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R38167 on September 28, 1984 and was at all times referenced in the Statement of Charges the holder of said license. (Department Exhibits 1 and 2)
2. Pursuant to the General Statutes of Connecticut, 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 her license. (Department Exhibit 3)
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 4 indicates that the Notice of Hearing and Statement of Charges were delivered by Deputy Sheriff to the Respondent's address of record; Department Exhibit 6 indicates that Notice of Change in Location of Formal Hearing was delivered by certified mail to the Respondent; and Respondent Exhibit A indicates the Respondent was aware of the hearing.

4. The Respondent was not present during the hearing and was not represented by counsel. (Hearing Transcript, June 30, 1993, pp. 2, 6, 8-13, 23)
  
5. That pursuant to a Consent Order dated January 30, 1986 the registered nurse license of the Respondent was suspended for a period of six (6) months, effective February 1, 1986, followed by eighteen (18) months probation, for the diversion of controlled substances while the Respondent was employed as a registered nurse at St. Francis Hospital, Hartford, Connecticut. (Department Exhibit 3)
  
6. That during September and October 1992 the Respondent was employed as a registered nurse at the Shorpe Foundation, Canaan, Connecticut. (Department Exhibit 7)
  
7. That on September 29, 1992, October 4, 1992 and October 23, 1992, while employed as a registered nurse at the Shorpe Foundation, the Respondent telephoned the Canaan Pharmacy and ordered prescriptions for the controlled substance Vicodin #30. The Respondent informed the pharmacist that the prescriptions were for patient Felix Rodriguez as ordered by Matthew Skolnick, M.D. (Department Exhibit 7) (Hearing Transcript, June 30, 1993, pp. 6-8, 14-15)
  
8. That Matthew Skolnick, M.D. had not ordered prescriptions of Vicodin for patient Felix Rodriguez. (Department Exhibit 7) (Hearing Transcript, June 20, 1993, pp. 7-8)

9. That the Respondent picked up the prescriptions for Vicodin she had ordered on September 29, 1992 and October 4, 1992. That the prescriptions were for the Respondent's own use, not for patient Felix Rodriguez. (Department Exhibit 7) (Hearing Transcript, June 30, 1993, pp. 7-8, 14)
10. That the prescriptions for Vicodin ordered and obtained by the Respondent on September 29, 1992 and October 4, 1992 were charged to the account of patient Felix Rodriguez. (Hearing Transcript, June 30, 1993, pp. 8, 18-20)
11. That the prescriptions for Vicodin as specified in FACT 10 were not charted by the Respondent in the patient's medical record, medication sign off sheets or order sheets. (Department Exhibit 7)
12. That the prescription for Vicodin ordered on October 23, 1992 was cancelled before it could be obtained by the Respondent. (Department Exhibit 7) (Hearing Transcript, June 30, 1993, pp. 14-15)
13. That the Respondent by using the controlled substance Vicodin, which had not been prescribed for her, abused said controlled substance. (Department Exhibit 7)
14. That the Respondent has a history of alcohol abuse. (Department Exhibit 7) (Hearing Transcript, June 30, 1993, pp. 14-15)

15. The Respondent admitted to her conduct in verbal and written statements she made to Department of Consumer Protection Drug Control Agents Alexandra Mathiason and Herbert Strickland. (Department Exhibit 7) (Hearing Transcript, June 30, 1993, pp. 14-15)

DISCUSSION AND CONCLUSIONS

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

Kelly D. Sartori 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 information as mandated by the General Statutes of Connecticut Sections 4-177, 4-182 and 19a-17.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as 19-2a-1 through 19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut Section 4-182(c).

The FIRST COUNT PARAGRAPH 3 of the Statement of Charges alleges, the Respondent, on or about September 29, 1992 and at subsequent times while working as a registered nurse at the Shorpe Foundation, Canaan, Connecticut

- "a. Advised Canaan Pharmacy to send prescriptions for 30 tablets of Vicodin, a controlled substance, to the Shorpe Foundation for patient Felix Rodriguez on three (3) separate occasions;
- b. Falsely stated to pharmacists at Canaan Pharmacy that Matthew Skolnick, M.D. had ordered those prescriptions for Mr. Rodriguez;
- c. Received and diverted 60 Vicodin tablets ordered by her for Mr. Rodriguez to her personal use;
- d. Caused said prescriptions to be charged to Mr. Rodriguez' account;
- e. Abused and/or utilized to excess said medication;
- f. Failed to completely, properly and/or accurately make documentation in the medical or hospital records; and/or
- g. Falsified one or more Controlled Substance Receipt Records".

The Respondent was not present at the hearing to answer to these charges. (Hearing Transcript, June 30, 1993, pp. 2, 6, 8-13, 23)

The General Statutes of Connecticut, Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals... (6) fraud or material deception in the course of professional services or activities...."

Based on its findings, the Board concludes that the Respondent's conduct as specified in the First Count Paragraph 3 is proven and that said conduct violates the General Statutes of Connecticut Section 20-99(b)(2), (5) and (6). Therefore, the Respondent is subject to disciplinary action pursuant to the General Statutes of Connecticut.

ORDER

Pursuant to its authority under the General Statutes of Connecticut Sections 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders:

1. That for the First Count, the registered nurse license, No. R38167, of the Respondent be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Chairperson of the Board of Examiners for Nursing.

The Board of Examiners for Nursing finds the misconduct regarding the First Count is severable and warrants the disciplinary action imposed.

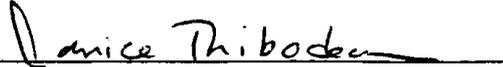
The Respondent, Kelly D. Sartori, is hereby directed to surrender Registered Nurse License No. R38167 to the Board of Examiners for Nursing, Department of Public Health and Addiction Services, 150 Washington Street, Hartford, Connecticut 06106.

The Board of Examiners for Nursing informs the Respondent, Kelly D. Sartori, and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 8th day of September, 1993.

BOARD OF EXAMINERS FOR NURSING

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