

STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

IN RE: Margarita Sobieski, R.N. R38494

553 Helen Street  
Bridgeport, Ct 06010

1986-0617-010-029

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing, (hereafter the "Board"), was presented by the Department of Health Services with a Statement of Charges dated October 6, 1986 and amended at the hearing.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Notice of Hearing provided that the hearing would take place on February 18, 1987 in room B 120/121 of the Department of Health Services, at 150 Washington Street, Hartford, Connecticut.

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

FINDINGS OF FACTS

Based on the testimony given and the exhibits offered into evidence at the above hearing, the Board made the following findings of fact.

1. Margarita Sobieski, hereafter referred to as respondent, was at all pertinent times licensed as a registered nurse in Connecticut, pursuant to Chapter 378 of the Connecticut General Statutes, with registration number R38494.

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 her license.

3. On or about March, 1986, and at subsequent times, while employed as a registered nurse at the Dinan Memorial Center in Bridgeport Connecticut, the respondent diverted Percocet and abused or utilized to excess said Percocet. For example, the respondent diverted small quantities of Percocet tablets by signing out extra doses of patient's prescription medication and removed the tablets from the facility for her own use at a later time. Specifically, on April 23, 1986 on the control drug record of use sheet # 08452 at 8:50 P.M., two doses of Percocet tablets were recorded as administered to patient Helen Eichinger. Of these doses one was administered to the patient and the other removed from the facility for the respondent's own use.

4. On March 30, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent failed to follow

physician's orders on patient Lillian Johnson and failed to completely, accurately or properly make documentations in patient Lillian Johnson's medical or hospital records. Specifically, the record of use sheets indicate that on March 30, 1986, 60 mg of Phenobarbital were administered to Ms. Johnson at 6:00 P.M. and 30 mg of Phenobarbital administered at 8:00 P.M.. These records of use sheets indicate that both doses were administered by the respondent. The physician's order for this patient was for Phenobarbital 60 mg every day at 5:00 P.M. The nurses notes for this date have no entry concerning Phenobarbital administration. The medication record indicates that 60 mg of Phenobarbital were administered at 5:00 P.M. by the respondent.

5. On March 25, 1986 and April 23, 1986, while employed as a registered nurse at the Dinan Memorial Center, Bridgeport, Connecticut, the respondent failed to completely, accurately or properly make documentations on patient Helen Eichinger's medical or hospital records and falsified said records. Specifically, on March 25, 1986, the control drug record of use sheet indicates that two Percocet tablets were administered to Ms. Eichinger at 5:00 P.M., 8:30 P.M. and 9:30 P.M. by the respondent. The patient's medication administration record indicates that the patient was medicated at 5:00 P.M. and 9:00 P.M. by the respondent. Further, the control drug record of use sheet for April 23, 1986 indicates that two Percocet tablets were administered to Ms. Eichinger by the respondent at 8:50p.m. The physician's order for this patient was one Percocet tablet for pain now, and was recorded as telephone order by the respondent at 8:50p.m. The respondent administered one dose to the patient and removed the other from the facility for her own use.

6. On April 20, 1986, while employed as a registered nurse at the Dinan Memorial Center, Bridgeport, Connecticut, the respondent failed to administer the prescribed medication Valium to patient Lillian Johnson and failed to completely, accurately or properly make documentation on patient Lillian Johnson's medical or hospital records. There were no nurse's notes documenting the omission of this medication.

7. On or about April 20, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent failed to administer prescribed medication Phenobarbital to patient Josephine Panetteri and failed to completely, accurately or properly make documentations on patient Josephine Panetteri's medicine or hospital records: there were no nurse's notes documenting the omission of this medication.

DISCUSSION AND CONCLUSIONS

The First Count Subsection 3a alleges that on or about March, 1986, and at subsequent times, while employed as a registered nurse at the Dinan Memorial Center, the respondent diverted Percocet.

The above described conduct is a violation of Connecticut General Statutes Section 20-99 (b). In pertinent part, Section 20-99 (b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions.; (6) fraud

or material deception in the course of professional services or activities. The respondent admitted to this charge under sworn testimony at the hearing.

The Board determined that on or about March, 1986, and at subsequent times, while employed as a registered nurse at the Dinan Memorial Center, the respondent diverted Percocet. The Board therefore concluded that the respondent has violated 20-99 (b), as specified in the First Count, Subsection 3a.

The First Count Subsection 3b alleges that on or about March, 1986, and at subsequent times, while employed as a registered nurse at the Dinan Memorial Center, the respondent diverted Phenobarbital.

The above described conduct is a violation of Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99 (b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (6) fraud or material deception in the course of professional services or activities. The respondent denied this charge at the hearing.

Due to insufficient evidence the Board could not determine that on or about March, 1986, and at subsequent times, while employed as a registered nurse at the Dinan Memorial Center, the respondent diverted Phenobarbital. The Board therefore could not conclude that the respondent did violate Section 20-99(b) as specified in the First Count, Subsection 3b.

The First Count Subsection 3c alleges that on or about March, 1986, and at subsequent times, while employed as a registered nurse at the Dinan Memorial Center, the respondent abused or utilized to excess said Percocet.

The above described conduct is a violation of Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) 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. The respondent denied this charge as to abusing said drug but admitted to having used said drug.

The Board determined that on or about March, 1986, and at subsequent times, while employed as a registered nurse at the Dinan Memorial Center, the respondent abused or utilized to excess said Percocet by diverting patient supplies of Percocet to herself. The Board therefore concluded that the respondent has violated 20-99(b), as specified in the First Count, Subsection 3c.

The First Count Subsection 3d alleges that on or about March, 1986, and at subsequent times, while employed as a registered nurse at the Dinan Memorial Center, the respondent abused or utilized to excess said Phenobarbital.

The above described conduct is a violation of Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99 (b) 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 counts of professional services or activities. The respondent denied this charge under sworn testimony at the hearing.

Due to insufficient evidence the Board could not determine that on or about March, 1986, and at subsequent times, while employed as a registered nurse at the Dinan Memorial Center, the respondent abused or utilized to excess said Phenobarbital. The Board therefore could not conclude that the respondent did violate Section 20-99 (b), as specified in the First Count, Subsection 3d.

The First Count Subsection 3e alleges that on March 30, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent failed to follow physician's orders on patient Lillian Johnson.

The above described conduct is a violation of Connecticut General Statutes Section 20-99 (b). In pertinent part, Section 20-99(b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions including alcohol, narcotics or chemicals; (6) fraud or material deception in the course of professional services or activities. The respondent admitted to this charge under sworn testimony at the hearing.

The Board has determined that on March 30, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent failed to follow physician's orders on patient Lillian Johnson. The Board therefore concludes that the respondent has violated Section 20-99 (b) as specified in the First Count, Subsection 3e.

The First Count Subsection 3f alleges that on or about March 30, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent failed to completely, accurately

or properly make documentations in patient Lillian Johnson's medical or hospital records.

The above described conduct is a violation of Connecticut General Statutes Section 20-99 (b). In pertinent part, Section 20-99(b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions. The respondent denied this charge at the hearing. The control drug record of use sheets and nurse's notes demonstrate the discrepancies in the recording of this medication administration.

The Board has determined that on or about March 30, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent failed to completely, accurately or properly make documentations in patient Lillian Johnson's medical or hospital records. The Board therefore concludes that the respondent has violated Section 20-99 (b) as specified in the First Count, Subsection 3f.

The First Count, Subsection 3g was orally stricken from the complaint at the hearing.

The First Count Subsection 3h alleges that on or about March 25, 1986 and April 23, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent failed to completely, accurately or properly make documentations on patient Helen Eichinger's medical or hospital records.

The above described conduct is a violation of Connecticut General Statutes Section 20-99 (b). In pertinent part, Section 20-99 (b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions. The respondent admitted to this charge at the hearing.

The Board has determined that on March 25, 1986 and April 23, 1986, while employed as a registered nurse at the Dinan Memorial Center, Bridgeport, Connecticut, the respondent failed to completely or accurately or properly make documentations on patient Helen Eichinger's medical or hospital records. The Board therefore concludes that the respondent has violated Section 20-99(b) as specified in the First Count, Subsection 3h.

The First Count Subsection 3i was orally stricken from the complaint at the hearing.

The First Count Subsection 3j alleges that on or about March 25, 1986 and April 23, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent falsified medical or hospital records of patient Helen Eichinger.

The above mentioned conduct is a violation of Connecticut General Statutes Section 20-99 (b). In pertinent part, Section 20-99 (b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (6) fraud or material deception in the course of professional services or activities; (7) wilful falsification of entries in any hospital, patient or other record pertaining to drugs, the results of which are detrimental to the health of a patient. The respondent admitted to this charge under sworn testimony at the hearing.

The Board has determined that on or about March 25, 1986 and April 23, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent falsified medical or hospital records of patient Helen Eichinger. The Board therefore concludes

that the respondent has violated Section 20-99 (b) as specified in the First Count, Subsection 3j.

The First Count Subsection 3k was orally stricken from the charges at the hearing.

The First Count Subsection 3l alleges that on April 20, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent failed to administer prescribed medication Valium to patient Lillian Johnson.

The above described conduct is a violation of Connecticut General Statutes Section 20-99 (b). In pertinent part, Section 20-99 (b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions. The respondent admitted to this charge under sworn testimony at the hearing.

The Board has determined that on April 20, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent failed to administer prescribed medication Valium to patient Lillian Johnson. The Board therefore concluded that the respondent has violated Section 20-99 (b) as specified in the First Count, Subsection 3l.

The First Count Subsection 3m alleges that on or about April 20, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent failed to completely, accurately or properly make documentation on patient Lillian Johnson's medical or hospital records.

The above described conduct is a violation of Connecticut General Statutes Section 20-99 (b). In pertinent part, Section 20-99 (b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions. The respondent admitted to this charge under sworn testimony at the hearing.

The Board has determined that on April 20, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent failed to completely, accurately or properly make documentation on patient Lillian Johnson's medical or hospital records. The Board therefore concludes that the respondent has violated Section 20-99 (b) as specified in the First Count, Subsection 3m.

The First Count Subsection 3n alleges that on April 20, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent failed to administer prescribed medication Phenobarbital to patient Josephine Panetteri.

The above described conduct is a violation of Connecticut General Statutes Section 20-99 (b). In pertinent part, Section 20-99 (b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions. The respondent admitted to this charge under sworn testimony at the hearing.

The Board has determined that on April 20, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent failed to administer prescribed medication Phenobarbital to patient Josephine Panetteri. The Board therefore

concludes that the respondent has violated Section 20-99 (b) as specified in the First Count, Subsection 3n.

The First Count Subsection 3o alleges that on or about April 20, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent failed to completely, accurately or properly make documentations on patient Josephine Panetteri's medicine or hospital records.

The above described conduct is a violation of Connecticut General Statutes Section 20-99 (b). In pertinent part, Section 20-99 (b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions. The respondent admitted to this charge at the hearing.

The Board has determined that on or about April 20, 1986, while employed as a registered nurse at the Dinan Memorial Center, the respondent failed to completely, accurately or properly make documentations on patient Josephine Panetteri's medicine or hospital records. The Board therefore concludes that the respondent has violated Section 20-99 (b) as specified in the First Count, Subsection 3o.

ORDER

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

a. The respondent is to be placed on probation for a minimum period of one year to be determined as follows:

- i. as to the First Count, Subsection 3a, one year probation.
- ii. as to the First Count, Subsection 3c, one year probation.

iii. as to the First Count, Subsection 3e, one year probation.  
iv. as to the First Count, Subsection 3f, one year probation.  
v. as to the First Count, Subsection 3h, one year probation.  
vi. as to the First Count, Subsection 3j, one year probation.  
vii. as to the First Count, Subsection 3l, one year probation.  
viii. as to the First Count, Subsection 3m, one year probation.  
ix. as to the First Count, Subsection 3n, one year probation.  
x. as to the First Count, Subsection 3o, one year probation.  
xi. the one year probation referenced in (i), (ii), (iii),  
(iv), (v), (vi), (vii), (viii), (ix) and (x) above are to run  
concurrently, for a total effective probationary period of one  
year;

xii. that as conditions of probation the respondent is  
required to submit monthly reports from her employer and from her  
licensed therapist documenting her ability to work in a drug free  
state. In addition, the respondent must submit monthly, negative,  
random drug screen reports. These aforementioned reports shall be  
due in the Board's office the first day of each month.

b. if the conditions referenced in (a), above, are not met,  
the respondent's license may be revoked immediately.

c. The said period of probation shall commence on October  
1, 1987.

d. At the end of the one year probation specified in (a)  
above, the probationary status will be removed if conditions  
referenced in (a) above are met.

The Board of Examiners for Nursing herewith advises the Department of Health Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this day 16<sup>th</sup> day of September, 1987.

BOARD OF EXAMINERS FOR NURSING

BY: Bette Jane M. Murphy R.N.

Bette Jane M. Murphy R.N., Chairman