

10-R42117



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

September 26, 2008

Laurene Morgan, RN  
46 Manor Lane  
Wolcott, CT 06716

Re: Memorandum of Decision  
Petition No. 2006-0126-010-009  
License No. R42117

Dear Ms. Morgan:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective August 1, 2008.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Please be certain to retain a copy of this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process, and good luck to you in the future.

Very truly yours,

Bonnie Pinkerton, RN, Nurse Consultant  
Practitioner Licensing and Investigations Section

cc: J. Filippone  
J. Wojick



Phone: (860) 509-7400  
Telephone Device for the Deaf (860) 509-7191  
410 Capitol Avenue - MS # 12HSR  
P.O. Box 340308 Hartford, CT 06134  
An Equal Opportunity Employer

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

Department of Public Health

Petition No. 2006-0126-010-009

vs.

Laurene Morgan, RN, Lic. No. R42117  
Respondent

**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 and Motion for Summary Suspension dated February 23, 2007. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Laurene Morgan (hereinafter “respondent”) which would subject respondent’s registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b). Dept. Exh. 1.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent’s continued nursing practice presented a clear and immediate danger to public health and safety. On March 7, 2007, over objection from respondent, the Board ordered pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent’s registered nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated March 7, 2007, scheduling a hearing for March 21, 2007. Dept. Exh. 1. Respondent was provided notice of the hearing and charges against her.

The hearing took place on March 21, 2007 at the Hartford Hospital – Newington Campus, 181 Patricia M. Genova Drive, Newington, Connecticut.

Respondent was present during the hearing but was not represented by counsel. Transcript, March 21, 2007, p. 3.

During the hearing, respondent orally answered the Statement of Charges. Transcript, pp. 20-25.

On April 18, 2007, the Board vacated the Summary Suspension of respondent's registered nurse license, ordered on March 7, 2007.

Each member of the Board involved in this decision attests that 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 R42117 on November 2, 1987. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-tab B; Transcript, 3/21/07, p. 20.
2. Respondent was employed as a registered nurse at Cobalt Lodge Health Care and Rehabilitation Center in Cobalt, Connecticut in July 2005. Transcript, 3/21/07, p. 20; Resp. Exh. A. p. 1.
3. In or about July 2005, while working as a registered nurse at Cobalt Lodge Health Care and Rehabilitation Center, respondent
  - a. diverted Percocet from patient stock;
  - b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
  - c. falsified one or more Controlled Substance Receipt Records.Transcript, 3/21/07, p. 7, p. 21; Dept. Exh 1-tab A; Resp. Exh. A. p. 1.
4. In 2005, respondent abused or utilized to excess Percocet. Transcript, 3/21/07, p. 21.
5. Respondent's abuse of Percocet affected her practice as a registered nurse. Respondent admits it was likely she was under the influence of the drug while on duty. Transcript, p. 202.
6. In 2006, respondent was employed as a registered nurse at St. Mary's Hospital, Waterbury, Connecticut. Transcript, p. 22; Dept. Exh. 1-tab C.
7. On or about August 31, 2006, staff at Waterbury Hospital reported that respondent appeared to be talking in her sleep and was demonstrating odd behavior and speech.. In addition, respondent's documentation in patient charts was illegible, and incomprehensible. Transcript, p. 23; Dept. Exh. 1-tab C.

8. On or about November 25, 2006, while working as a registered nurse at St. Mary's Hospital, respondent appeared in an impaired state and was declared "unfit for duty." Dept. Exh. 1-tab C.
9. On or about December 6, 2006, while working as a registered nurse at St. Mary's Hospital, respondent fell asleep while on duty. In addition, respondent failed to document administration of Ativan IM in a patient's medication administration record, and respondent's documentation in several other patient records was illegible and incomprehensible. Transcript, pp. 24-25, 56-77; Dept. Exh. 1-tab C; Resp. Exh. A. p. 2.
10. Respondent was terminated from St. Mary's Hospital effective December 28, 2006. Dept. Exh. 1-tab C.

### ***Conclusions of Law and Discussion***

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

Respondent held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a 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 her license as required by *Conn. Gen. Stat.* § 4-182(c).

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

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: . . .(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; . . .(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals. . .

**PARAGRAPH 3** of the Statement of Charges alleges that in 2005, while employed as a registered nurse at Cobalt Lodge Health Care and Rehabilitation Center, Cobalt, Connecticut respondent:

- a. diverted Percocet from patient stock;
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
- c. falsified one or more Controlled Substance Receipt Records.

**PARAGRAPH 4** of the Statement of Charges alleges that in 2005 respondent abused or utilized to excess Percocet.

**PARAGRAPH 5** of the Statement of Charges alleges respondent's abuse of Percocet does, and/or may effect her practice as a registered nurse.

Respondent admits paragraphs 3 and 4 but denies paragraph 5.

Based on its findings and respondent's admissions, the Board concludes that respondent's conduct as alleged in Paragraphs 3, 4 and 5 of the Statement of Charges is proven. The Department has therefore satisfied its burden of proof with respect to these allegations. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99(b)(2), (6) and 19a-17.

The Board concludes that Respondent's abuse or excessive use of Percocet affected her ability to practice as a registered nurse with reasonable skill and safety in that she was under the influence of Percocet while on duty.

**PARAGRAPH 9** of the Statement of Charges alleges that in August 2006 while working as a registered nurse at St. Mary's Hospital, Waterbury, Connecticut respondent appeared to be talking in a dream like state and fell asleep and was therefore unable to perform her nursing duties.

Respondent admits in that she was in a dream-like state, therefore, the Department has met its burden of proof with respect to this allegation. The Board finds that evidence is insufficient to establish that respondent fell asleep and was therefore unable to perform her nursing duties.

**PARAGRAPH 10** of the Statement of Charges alleges that in November 2006 while working as a registered nurse at St. Mary's Hospital, Waterbury, Connecticut respondent appeared in an impaired state and was declared unfit for duty.

Respondent denies this allegation.

**PARAGRAPH 11** of the Statement of Charges alleges that in December 2006 while working as a registered nurse at St. Mary's Hospital, Waterbury, Connecticut respondent appeared in an impaired state and fell asleep while on duty. It is further alleged that respondent failed to chart in one patient's record and illegibly charted in others.

Respondent denies this allegation as it pertains to being in an impaired state.

**PARAGRAPH 12** of the Statement of Charges alleges that respondent was terminated from St. Mary's Hospital in December 2006.

Respondent admits this allegation.

Based on its findings, the Board concludes that respondent's conduct as alleged in paragraphs 10, 11 and 12 of the Statement of Charges is proven by a preponderance of the evidence presented. Although respondent denies she was impaired while on duty, respondent testified she suffered from sleep deprivation during the time period alleged in paragraphs 10 and 11. The Board concludes that respondent's sleep deprivation is an impairment that caused her to fall asleep while on duty and affected her ability to completely, properly and/or accurately document patient medical records. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§ 20-99(b).

#### ***Order***

Pursuant to its authority under *Conn. Gen. Stat.* §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

1. That respondent's registered nurse license number R42117 is placed on probation for a period of one (1) year.
2. If any of the following conditions of probation are not met, respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

A. During the period of probation the Board shall pre-approve respondent's employment and/or change of employment within the nursing profession.

Respondent shall not be employed as a nurse for a personnel provider service, assisted living services agency, homemaker-home health aide agency, or home health care agency, and shall not be self-employed as a nurse for the period of probation.

- B. If employed as a nurse, respondent shall not work between the hours of 11:00 p.m. and 7:00 a.m. during the entire period of probation.
- C. Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
- D. If employed as a nurse, respondent shall cause monthly employer reports to be submitted to the Board, by her immediate supervisor during the entire.
- E. The employer reports cited in Paragraph D above shall include documentation of respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph I below.
- F. Should respondent's employment as a nurse be involuntarily terminated or suspended, respondent and her employer shall notify the Board within seventy-two (72) hours of such termination or suspension.
- G. If respondent pursues further training in any subject area that is regulated by the Department, respondent shall provide a copy of this Memorandum of Decision to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department in writing as to receipt of a copy of this Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph I below.
- H. The Board must be informed in writing prior to any change of address.
- I. All correspondence and reports are to be addressed to:

**Bonnie Pinkerton, RN, Nurse Consultant  
Department of Public Health  
Division of Health Systems Regulation  
Board of Examiners For Nursing  
410 Capitol Avenue, MS #12HSR  
P. O. Box 340308  
Hartford CT 06134-0308**

3. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take subsequent action. The Board shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to respondent's address of record (most current address reported to the Office of Practitioner Licensing and Certification of the Department of Public Health or the Board).
4. This Memorandum of Decision becomes effective, and the one (1) year probation of registered nurse license R42117 shall commence, on August 1, 2007.

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

Dated at Hartford, Connecticut this 18th day of July 2007.

BOARD OF EXAMINERS FOR NURSING

By 

**CERTIFICATION**

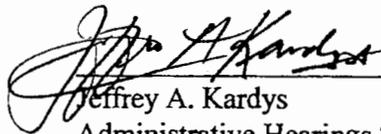
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 19<sup>th</sup> day of July 2007, by certified mail, return receipt requested and first class mail, to:

Laurene Morgan, RN  
46 Manor Lane  
Wolcott, CT 06716

Certified Mail RRR #9171082133393205513981

and by Inter-Departmental Mail to:

Stanley K. Peck, Section Chief  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
Hartford, CT 06134-0308



---

Jeffrey A. Kardys  
Administrative Hearings Specialist/Board Liaison  
Department of Public Health  
Public Health Hearing Office