

STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.  
Maureen Walsh, R.N., License No. R42391  
120 Warren Avenue  
East Providence, R.I. 02914  
CASE PETITION NO. 880901-10-128

MEMORANDUM OF DECISIONINTRODUCTION

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 December 12, 1988.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing dated December 13, 1988. The Hearing was scheduled for January 10, 1989. A continuance request was granted to the Respondent's Attorney. The Hearing was rescheduled for April 5, 1989 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 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, the Board made the following findings of fact:

1. Maureen Walsh, R.N., hereinafter referred to as Respondent, was issued Connecticut Registered Nurse license number R42391 on January 4, 1988;
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. 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 an address given by the Respondent to the Department of Health Services. Department Exhibit 3 indicates that the Notice of Continuance of Formal Hearing was delivered by certified mail to the Respondent's attorney. The Respondent was present and represented by counsel at the hearing.
4. The Respondent, at all pertinent times, was licensed to practice as a Registered Nurse in the State of Connecticut.
5. The Respondent, during June, 1988 and/or subsequent times thereto, altered a prescription for Percocet.
6. The Respondent, during June, 1988 and subsequent times thereto, abused or utilized to excess Percocet and Ativan;
7. The Respondent, during June, 1988 and subsequent times thereto, obtained Ativan prescriptions by subterfuge or misrepresentation.

The First Count, Subsection 2a, alleges that during June, 1988 and subsequent times thereto, the Respondent altered a prescription for Percocet. The Respondent admits this charge (Transcript of Hearing, dated April 5, 1989, p.7).

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...." The Respondent admitted to this charge at the hearing. (Transcript of Hearing, dated April 5, 1989, p. 7). Therefore, the Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(6), as specified in the First Count, Subsection 2a.

The First Count, Subsection 2b, alleges that during June, 1988 and subsequent times thereto, the Respondent abused or utilized to excess Percocet or Ativan. The Respondent denies this charge (Transcript of Hearing, dated April 5, 1989, p.7).

The above referenced conduct is a violation of the Connecticut General Statutes Section 20-99(b)(5) which includes: "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Department Exhibit 5 demonstrates that the Respondent admitted to taking four to six tablets per day of the two milligram dosage prescription of Ativan. According to documentation of this prescription, in Department Exhibit 5, Attachment D (p.10), these prescriptions were ordered to be taken four times a day. Thus, the self medication beyond prescribed dosage constitutes an excessive use of the prescription drug Ativan. Also, testimony of the April

5, 1989 hearing discloses the fact that a total number of 278 tablets (1 and 2 milligrams each) were obtained from three different physicians between June 28, 1988 and July 13, 1988 (Transcript of Hearing, April 5, 1989, p. 22, Department Exhibit 5, p.3).

Attempting to access such a quantity of the controlled substances for self administration is construed as abuse of the substance.

Also, the Department of Health Services Exhibit 5 documents that the Respondent had a prescription filled for 15 Percocet tablets on July 27, 1988. The prescription was written for 5 Percocet tablets and altered by the Respondent to read "15" tablets. Altering a prescription to provided for more self administration than was ordered by the prescription constitutes abuse of that substance (Department Exhibit 5, pp. 3 & 4). Therefore, the Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(6), as specified in the First Count, Subsection 2b.

The First Count, Subsection 2c, alleges that the Respondent obtained Ativan prescriptions by subterfuge or misrepresentation. The Respondent denies this charge (Transcript of Hearing, dated April 5, 1989, p. 7).

The above referenced conduct is a violation of the Connecticut General Statutes Section 20-99(b)(6) which includes: "... (6) fraud or material deception in the course of professional services or activities...."

Department Exhibit 5 documents that the Respondent misrepresented her illnesses which lead to her asking house physicians for prescriptions, as documented by the individual physicians. See Department Exhibit 5, attachment C, Sections E-G, (pp. 11 - 13). Therefore, the Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(6), as specified in the First Count, Subsection 2c.

It is the unanimous decision of those members of the Board of Examiners for Nursing who were present and voting that for each of the subsections of the First Count:

1. The license of the Respondent shall be placed on suspension for a period of six (6) months and probation for a minimum of forty-two (42) months to be determined as follows:

- A. as to the First Count, Subsection 2a, six (6) months suspension and forty-two (42) months probation;
- B. as to the First Count, Subsection 2b, six (6) months suspension and forty-two (42) months probation;
- C. as to the First Count, Subsection 2c, six (6) months suspension and forty-two (42) months probation;
- D. the six months suspension periods referenced in (A), (B), and (C) are to run concurrently for an effective suspension period of six (6) months;
- E. the forty-two (42) months of probationary periods referenced in (A), (B), and (C) are to run concurrently for an effective probationary period of (42) months;
- F. the six (6) month suspension period shall commence November 1, 1989;
- G. the forty-two months (42) probation period upon completion of the term of suspension.

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

- A. She shall provide a copy of this Memorandum of Decision to her therapist.
- B. She shall engage in counseling with a licensed or certified therapist at her own expense.
- C. She shall be responsible for monthly reports from her therapist for the first year of her probation; said reports are due on the first business day after every month.
- D. She shall be responsible for bi-monthly reports from her therapist thereafter for the remaining period of probation; said reports are due on the first business day after every second month.
- E. She shall be responsible for random urine and/or blood screens for drugs and alcohol at the discretion of her therapist. She shall be responsible for notifying the laboratory and her therapist of any drug(s) she is taking. There must be at least one such drug and alcohol screen report monthly for the first year of probation, and one such report bi-monthly thereafter for the remaining period of probation. Said reports shall be negative for drugs and alcohol.
- F. Said reports cited in (C), (D), (E), and (F) above, shall include documentation of dates of treatment and randomness of screen's, an evaluation of her 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 (Q) below.

- G. She shall provide a copy of this Memorandum of Decision to her employer.
- H. She shall not accept employment as a nurse for a personnel provider service for the period of her probation.
- I. She shall be responsible for the provision of monthly employer reports from her nursing supervisor (i.e. Director of Nursing) due on the first business day after every month during the first year of her probation.
- J. She shall be responsible for the provision of bi-monthly reports from her nursing supervisor due on the first business day after every second month, for the remaining period of her probation.
- K. Said reports cited in (I),(J) above, shall include documentation of her ability to safely and competently practice nursing. Said reports shall be issued to the Board at the address listed in paragraph (Q) below.
- N. She shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her for a legitimate purpose by a licensed health care practitioner.
- O. The Connecticut Board of Examiners for Nursing must be informed prior to any change of employment.
- P. The Connecticut Board of Examiners for Nursing must be informed prior to change of address.
- Q. 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 her 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 her 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 suspension shall commence on November 1, 1989.

The Respondent, Maureen Walsh, is hereby directed to surrender her license and current registration to the Board of Examiners for Nursing, 150 Washington Street, Hartford, Connecticut 06106, on or about November 1, 1989.

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 14<sup>th</sup> day of September 1989.

BOARD OF EXAMINERS FOR NURSING

By Bette Jane M. Murphy RN

4388Q