

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health v.

Jennelle Ickrath, R.N.

Registered Nurse License No. R42424

11 Bedford Avenue, N-4

Norwalk CT 06850

CASE PETITION NO. ~~94-1003-10-037~~ 1994-1003-010-095

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services ^{1/}(hereinafter the "Department") with a Statement of Charges and a Motion for Summary Suspension dated October 12, 1994 (Department Exhibit 1).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of Jennelle Ickrath (hereinafter the "Respondent") represented a clear and immediate danger to public health and safety. On October 13, 1994, the Board ordered, pursuant to its authority under §19a-17(c) of the General Statutes of Connecticut, that the registered nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges (Department Exhibit 1).

The Board issued a Notice of Hearing dated October 13, 1994 scheduling a hearing for October 26, 1994 (Department Exhibit 1). The hearing was continued at the Respondent's request and took place on February 22, 1995 at the Department of Public Health and Addiction Services, Second Floor Hearing Room, 20 Trinity Street, Hartford, Connecticut.

^{1/} Prior to July 1, 1995 the Department of Public Health was known as the Department of Public Health and Addiction Services. (Connecticut Public Act No. 95-257)

During the hearing on February 22, 1995 the Department presented a First Amended Statement of Charges dated October 20, 1994 which alleged, in two (2) counts, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by the Respondent.

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 the Board's specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact.

1. Jennelle Ickrath, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R42424 on February 1, 1988 and was the holder of said license at all times referred to in the First Amended Statement of Charges. (Department Exhibit 1-E)
2. The Respondent was given due notice of the hearing and the charges against her. Department Exhibit 1 indicates the Summary Suspension Order, Statement of Charges, First Amended Statement of Charges, and Notice of Continuance of Formal Hearing were delivered to the Respondent by certified mail.
3. The Respondent was present during the hearing but was not represented by counsel. (Hearing Transcript, February 22, 1995, pp. 3-4)
4. During the hearing the Respondent verbally answered the First Amended Statement of Charges. (Hearing Transcript, February 22, 1995, pp. 10-13)

5. Pursuant to a Consent Order dated October 22, 1991 the registered nurse license of the Respondent was placed on probation with conditions for a period of three (3) years effective November 1, 1991. The probation was ordered due to the Respondent's diversion of the controlled substance Demerol from Stamford Hospital, Stamford, Connecticut, during 1990. (Department Exhibit 1-A)
6. Pursuant to a Consent Order dated April 21, 1993 the conditions of probation of the Respondent's registered nurse license were modified due to the Respondent's violation of the probation as set forth in the Consent Order dated October 22, 1991. (Department Exhibit 1-B)
7. The probation of the Respondent's registered nurse license included the conditions that the Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her for a legitimate medical purpose by a licensed health care practitioner, and that the Respondent submit to random urine and/or blood screening for alcohol and drugs, the results of which are to be negative for the presence of drugs and alcohol. (Department Exhibit 1-A, 1-B)
8. On February 23, 1994 the Respondent submitted a urine specimen for alcohol/drug screening. The results of the screen were confirmed positive for the presence of Morphine. (Department Exhibit 1-C)
9. On July 12, 1994 the Respondent submitted a urine specimen for alcohol/drug screening. The results of the screen were confirmed positive for the presence of Morphine. (Department Exhibit 1-C)
10. On August 26, 1994 the Respondent submitted a urine specimen for alcohol/drug screening. The results of the screen were confirmed positive for the presence of alcohol. (Department Exhibit 1-C) (Answer: Hearing Transcript, February 22, 1995, p. 11)

11. On September 21, 1994 the Respondent submitted a urine specimen for alcohol/drug screening. The results of the screen were confirmed positive for the presence of alcohol. (Department Exhibit 1-C) (Answer: Transcript, February 22, 1995, p. 11)
12. The Respondent did not have a valid prescription for the Morphine she ingested in February and July, 1994. (Answer: Hearing Transcript, February 22, 1995, p. 12)
13. The Respondent did not have a valid prescription for the alcohol she ingested in August and September 1994. (Answer: Hearing Transcript, February 22, 1995, p. 12)

DISCUSSION AND CONCLUSIONS

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

Jennelle Ickrath 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 sufficiently provided information as mandated by the General Statutes of Connecticut §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, First Amended 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 §4-182(c).

The First Count of the First Amended Statement of Charges alleges that while the holder of a registered nurse license in the State of Connecticut, the Respondent submitted to urinalysis on February 23 and July 12, 1994 which tested positive for Morphine, and submitted to urinalysis on August 26 and September 21, 1994 which tested positive for alcohol.

The Respondent admits the charges pertaining to alcohol but denies the charges pertaining to Morphine. (Answer: Hearing Transcript, March 22, 1995, pp. 10-11)

The Respondent claims that the urine screens which were positive for Morphine are a result of her consuming food products containing poppy seeds prior to submitting urine samples for testing. The Respondent further testified that despite the knowledge that poppy seed consumption may produce a positive Morphine result, she consumed food products containing poppy seeds prior to the urine sample she submitted on July 12, 1994. (Hearing Transcript, February 22, 1995, pp. 24-26)

The Board does not find the Respondent's explanation, that poppy seed consumption produced the positive Morphine results, to be credible.

The use of drugs which have not been prescribed for a legitimate medical purpose constitutes abuse of drugs. The Respondent admitted (FACT 13) that she did not have a valid prescription for Morphine.

The Board finds that the positive results of the Respondent's urine specimens submitted for screening on February 23 and July 12, 1994 are a result of the Respondent's use of Morphine without a valid prescription for a legitimate medical purpose. The Board therefore concludes the Respondent abused the drug Morphine.

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

The Board concludes that the Respondent's abuse of the drug Morphine is a violation of the General Statutes of Connecticut §20-99(b)(5) and subjects the Respondent to disciplinary action pursuant to the General Statutes of Connecticut §19a-17.

The SECOND COUNT of the First Amended Statement of Charges alleges that the Respondent's conduct as described in Paragraphs 2, 3 and 4 of the First Count constitutes a violation of the terms of probation of the Respondent's registered nurse license.

Based on its findings the Board concludes that the Respondent violated the terms of probation of her registered nurse license as set forth in Consent Orders dated October 22, 1991 and April 21, 1993. Therefore, the Respondent is subject to disciplinary action pursuant to the General Statutes of Connecticut §19a-17.

ORDER

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

1. That for the First Count and the Second Count of the First Amended Statement of Charges, the Respondent's Registered Nurse license, No. R42424, be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

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

The Board of Examiners for Nursing hereby informs the Respondent, Jennelle Ickrath, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 31st day of August, 1995.

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BOARD OF EXAMINERS FOR NURSING

By

