

Marjorie Murphy
193 Cherry Brook Road
Canton Center, CT 06020

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

State of Connecticut
Department of Public Health
vs.
Marjorie Murphy, RN
Registered Nurse License No. R46758
Respondent.

CASE PETITION NO. 950821-10-078

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health (hereinafter the "Department") with Motion for Summary Suspension dated August 24, 1995, and a Statement of Charges dated August 25, 1995 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Marjorie Murphy (hereinafter the "Respondent") which would subject the Respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent presented a clear and immediate danger to public health and safety. On August 31, 1995 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 August 31, 1995, scheduling a hearing for September 12, 1995 (Department Exhibit 1). The hearing scheduled for September 12, 1995, was continued at the Respondent's request (Board Exhibit 1). The hearing was rescheduled and took place on December 19, 1995, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

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. Marjorie Murphy, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R46758 on February 1, 1991. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-E)
2. The Respondent was given due notice of the hearing and charges against her. The Summary Suspension Order, Statement of Charges, and Notice of Hearing were served on the Respondent by Deputy Sheriff on September 6, 1995. Notice of Continuance of Formal Hearing was sent to the Respondent by Certified Mail on September 14, 1995 and by 1st Class Mail on October 26, 1995. (Department Exhibit 1)
3. The Respondent was not present during the hearing and was not represented by counsel. (Hearing Transcript, December 19, 1995, p. 2)
4. Pursuant to a Memorandum of Decision dated July 12, 1995, the registered nurse license of the Respondent was placed on probation for a period of two (2) years effective July 15, 1995. The probation was ordered due to the Respondent's diversion and abuse of the controlled substances

Morphine and Demerol, and for falsification of controlled substance records while working as a registered nurse at Newington Children's Hospital, Newington, Connecticut, in 1994. (Department Exhibit 1-D)

5. Conditions of probation of the Respondent's registered nurse license included the requirements 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 purpose, by a licensed health care practitioner authorized to prescribe medications, and the Respondent shall not abuse and/or excessively use alcohol and/or drugs; and that the Respondent submit to random urine screens for alcohol and drugs, the results of which are to be negative for the presence of alcohol and drugs. (Department Exhibit 1-D)
6. The Respondent submitted a urine specimen for alcohol/drug screening on July 20, 1995. The results of the screen were confirmed positive for the presence of Opiates, specifically the controlled substance Morphine. (Department Exhibit 1-C)

DISCUSSION AND CONCLUSIONS

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

Marjorie Murphy 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 legal notice 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, 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 Statement of Charges alleges that while subject to conditions of probation of her registered nurse license, as set forth in a Memorandum of Decision dated July 12, 1995, the Respondent submitted to a drug screen on or about July 20, 1995 the results of which indicated the presence of Opiates.

The Respondent was not present at the hearing to answer this charge, therefore the Board deems this charge admitted pursuant to §19-2a-18 of the Regulations of Connecticut State Agencies.

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

The Department proved, by a preponderance of the evidence, that that while subject to conditions of probation of her registered nurse license, as set forth in a Memorandum of Decision dated July 12, 1995, the Respondent submitted to a drug screen on or about July 20, 1995 the results of which indicated the presence of Opiates.

Based on its findings, the Board concludes that the Respondent's conduct as alleged in the Statement of Charges dated August 25, 1995, is proven and that said conduct constitutes a violation of the General Statutes of Connecticut §20-99(b)(5) and a violation of the conditions of probation as set forth in the Memorandum of Decision dated July 12, 1995. Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

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

1. That the Respondent's Registered Nurse license, No. R46758, be revoked.

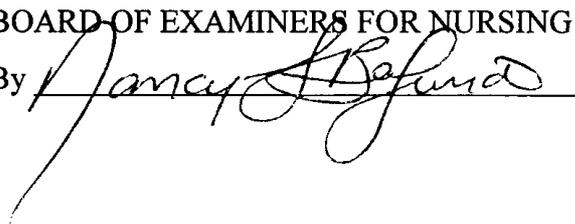
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

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

Dated at Hartford, Connecticut this 19th day of June 1996.

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BOARD OF EXAMINERS FOR NURSING

By  _____