

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Marjorie Murphy
RE: Registered Nurse License Number R46758

Petition No. 2003-0602-010-048

MEMORANDUM OF DECISION

Procedural Background

Marjorie Murphy (hereinafter "petitioner") was issued registered nurse license number R46758 on February 1, 1991.

Pursuant to Memorandum of Decision dated June 19, 1996, the Board of Examiners for Nursing (hereinafter "the Board") ordered the revocation of petitioner's registered nurse license. Board Exh. 1.

In a letter dated April 23, 2003, petitioner requested that the Board reinstate her registered nurse license. Board Exh. 1.

Pursuant to Petitioner's request, the Board issued a Notice of Hearing dated May 9, 2003, scheduling a hearing for September 17, 2003. Board Exh. 1.

The hearing took place on September 17, 2003, at the Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Petitioner was present at the hearing but was not represented by counsel. Transcript, September 17, 2003, p. 1. Attorney Joelle Newton represented the Department of Public Health.

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.

Findings of Fact

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

1. Pursuant to Memorandum of Decision dated July 12, 1995 petitioner's registered nurse license was placed on probation for a period of two years. The probation was ordered based on petitioner's diversion and abuse of controlled substances in while working as registered nurse in 1994. A condition of probation required petitioner to submit to random urine screening, the results of which were to be negative for the presence of alcohol and/or drugs. Board Exh. 1, pp.9-10.

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2. Pursuant to Memorandum of Decision dated June 19, 1996, the Board ordered the revocation of petitioner's registered nurse license. The order was based on the Board's findings that while subject to the conditions of probation, as set forth in the Memorandum of Decision dated July 12, 1995, petitioner submitted to a drug screen on or about July 20, 1995 the results of which indicated the presence of Opiates. Board Exh. 1.
3. Petitioner relocated from Connecticut to Buffalo, New York in September 1995. Board Exh. 1; Transcript, p. 9.
4. Petitioner returned to school at the University of New York at Buffalo and received a Masters Degree in Pediatric Health Care in February 1999. She graduated with honors. Board Exh. 1.
5. In June 1999, petitioner passed the national certification examination for pediatric nurse practitioners. Board Exh. 1.
6. Since the fall of 1995, petitioner has engaged individual psychotherapy. Her current sessions are scheduled approximately twice per month. Petitioner's therapist indicates that petitioner has not shown any evidence of alcohol or drug use since treatment began and her emotional health is stable. Board Exh. 1, pp. 20-21.
7. From January 1996 to March 1999, petitioner was employed in the Emergency Department of The Children's Hospital of Buffalo, Buffalo, New York. Board Exh. 1.
8. Since January 1999, petitioner has worked part-time as a Pediatric Nurse Practitioner in a private pediatric practice in Orchard Park, New York. Petitioner's employer indicates that petitioner has consistently had exemplary professional ethics and an exemplary work record. Board Exh. 1, pp. 13-15.
9. Since March 1999, petitioner has worked part-time as a Pediatric Nurse Practitioner in the Child Protection Clinic of the Children's Hospital of Buffalo, Buffalo, New York. Petitioner's employer indicates that petitioner has consistently had an excellent work record. Board Exh. 1, pp. 16-19.

Discussion and Conclusions of Law

In accordance with the Notice of Hearing, petitioner has the burden of satisfying the Board that she is able to practice as a registered nurse in the State of Connecticut with reasonable skill and safety.

The Board finds that the petitioner has presented relevant and credible evidence as required by the Notice of Hearing. Based on a review of the evidence presented, the Board

concludes that petitioner has met the burden of satisfying the Board of her ability to practice nursing under the terms of the Order described below.

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:

The Registered Nurse license, No. R46758, of petitioner, Marjorie Murphy, is reinstated effective February 18, 2004.

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

Dated at Newington, Connecticut this 17th day of March, 2004.

BOARD OF EXAMINERS FOR NURSING

By 