

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

Department of Public Health

Petition No. 2006-0201-010-010

vs.

Cynthia Rokas, RN, Lic. No. R50778  
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, 2006. Board Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Cynthia Rokas (hereinafter “respondent”) which would subject respondent’s registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

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 1, 2006, 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 1, 2006, scheduling a hearing for March 15, 2006. Board Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Summary Suspension Order, Notice of Hearing, and Statement of Charges, were served by State Marshal in the hands of the respondent on March 5, 2006. Board Exh. 2.

The hearing took place on March 15, 2006, 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 15, 2006, pp. 4-5.

Respondent orally answered the Statement of Charges during the hearing. Transcript, March 15, 2006, pp. 6-7.

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, 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 R50778 on February 17, 1995. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-tab A; Transcript, p. 6.
2. On November 18, 1996, respondent voluntarily surrender her registered nurse license while an investigation was pending regarding allegations of alcohol abuse. Respondent's license was reinstated pursuant to a Consent Order dated December 16, 1997. On November 24, 1998, respondent surrendered her license a second time while an investigation was pending regarding allegations of morphine abuse. Dept. Exh. 1-tab B.
3. Pursuant to a Reinstatement Consent Order dated December 5, 2001, the Board ordered that respondent's registered nurse license be reinstated and placed on probation for a period of four (4) years. Said Order specifically provided that respondent shall not obtain or use controlled substances, legend drugs or alcohol in any form unless prescribed or recommended for a legitimate therapeutic purpose by a licensed health care professional authorized to prescribe medications and that respondent shall submit to random alcohol/drug screens that shall be negative for the presence of alcohol and drugs. Dept. Exh. 1-tab B; Transcript, p. 7.
4. Since on or about July 2003 respondent has been employed by Richard Casden, MD, Danbury, Connecticut as an ophthalmic technician. Resp. Exh. A.
5. On December 29, 2005, while at work, respondent consumed two tablets of the medication Soma in effort to relieve back spasms. The medication caused respondent to become drowsy and disoriented. Resp. Exh. A; Transcript, p. 6.
6. On or about December 29 and 30, 2005, and again in January 2006, respondent excessively consumed alcohol. Resp. Exh. A.
7. Respondent submitted to random urine screening on December 31, 2005. Laboratory results for the December 31, 2005 urine specimen were positive for the presence of alcohol. Dept. Exh. 1-tab C.
8. Respondent has a history of depression. An increase in respondent's depression contributed to her relapse with alcohol. Resp. Exh. A.
9. Respondent is currently under the care of a psychiatrist for treatment of a depressive disorder and substance abuse, and she is actively participating in Alcoholics Anonymous. Resp. Exh. A; Transcript, pp. 12-13.

*Conclusions of Law and Discussion*

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

Cynthia Rokas 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.

**COUNT ONE PARAGRAPH 2** of the Statement of Charges alleges that at various times in December 2005 and January 2006, including at least one occasion while she was at work in the office of Dr. Richard Casden, M.D., respondent consumed alcohol and/or Soma to excess, or was impaired by excessive alcohol and/or Soma.

Respondent admits this allegation with regard to Soma, but denies the allegation as it relates to the use of alcohol. Transcript, March 15, 2006, p. 6.

Based on respondent's admission, the Board concludes that respondent excessively consumed the medication Soma while at work on December 29, 2005. The Department failed to present sufficient evidence that respondent consumed alcohol while at work. Therefore, Paragraph 2 of Count One as it relates to alcohol is dismissed.

**COUNT ONE PARAGRAPH 3** of the Statement of Charges alleges that respondent's abuse of alcohol and/or Soma does, and/or may, affect her practice as a registered nurse.

Respondent admits that her use of Soma at work on the one occasion in December 2005, did affect her practice. Respondent denies her that practice is currently affected. Transcript, March 15, 2006, pp. 6-7.

The Board finds that respondent's use of the medication Soma while at work caused her to become drowsy and disoriented. The Board concludes that if respondent's use of medication is not properly controlled and/or should respondent again relapse and consume alcohol, her ability to practice as a nursing with reasonable skill and safety may be affected.

**COUNT TWO PARAGRAPH 6** of the Statement of Charges alleges that respondent's license was on probation in December 2005 and January 2006, while respondent was employed and performing nursing functions. One of the conditions of the probation forbids respondent to consume alcohol. Respondent violated this condition on at least three occasions during December 2005 and January 2006.

Respondent admits these allegations. Transcript, March 15, 2006, p. 7.

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: (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals;

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraph 2, as it relates to the medication Soma, and Paragraph 3 of Count One of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§ 20-99(b)(5) and 19a-17.

Based on its findings and respondent's admission, the Board concludes that respondent's conduct as alleged in Paragraph 6 of Count Two of the Statement of Charges is proven. The Board further concludes that said conduct violates the terms of probation as set forth in the Reinstatement Consent Order dated December 5, 2001. Therefore, respondent's registered nurse license is subject to disciplinary action pursuant to *Conn. Gen. Stat.* § 19a-17.

#### ***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 the Summary Suspension of respondent's registered nurse license number R50778, ordered on March 1, 2006, is terminated on the effective date of this Memorandum of Decision.
2. That for Paragraphs 2, 3 and 6 of the Statement of Charges, respondent's registered nurse license, number R50778, is suspended with a concurrent probation for a period of six (6) months, commencing on the effective date of this decision, followed by an additional probationary period of four (4) years.
3. 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 following the suspension the Board shall pre-approve respondent's employment and/or change of employment within the nursing profession.

- B. Following the period of suspension, respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the remainder of 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.
- C. If employed as a nurse following the period of suspension, respondent shall cause employer reports to be submitted to the Board, by her immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of month following employment as a nurse. Employer reports shall be submitted monthly during the first and fourth years of probation, and quarterly during the second and third years of probation.
- D. The employer reports cited in Paragraph C 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 P below.
- E. 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.
- F. 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 P below.
- G. At her expense, respondent shall engage in therapy and counseling for alcohol and chemical dependency with a licensed or certified therapist, approved by the Board and the Department, during the entire period of probation.
- H. Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- I. Respondent shall cause evaluation reports to be submitted to the Board by her therapist during the entire probationary period. Therapist reports shall be submitted monthly during the first and fourth years of probation, and quarterly during the second and third years of probation.

- J. The therapist reports cited in Paragraph I above shall include documentation of dates of treatment, and an evaluation of respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph P below.
- L. (1) At her expense, respondent shall be responsible for submitting to observed random chain of custody urine screens for alcohol and drugs for the entire probationary period, at a testing facility approved by the Board, after consultation with the Department, as ordered by her therapist, and/or personal physician, and/or employer. Alcohol/drug screening may also be ordered by the Board to ensure compliance with this Order. Random alcohol/drug screens shall be legally defensible in that specimen donor and chain of custody can be identified throughout the screening process.
- (2) Respondent shall be responsible for notifying the laboratory, her therapist, the Board, the Department and her prescribing practitioner of any drug(s) she is taking. For any prescription of a controlled substance(s) for more than two consecutive weeks, the respondent shall cause the provider prescribing the controlled substance(s) to submit quarterly reports to the Board and the Department until such time as the controlled substance(s) are no longer prescribed. The reports shall include the following:
1. A list of controlled substances prescribed by this provider for the respondent;
  2. A list of controlled substance(s) prescribed by other providers;
  3. An evaluation of the respondent's need for the controlled substance;
  4. An assessment of the respondent's continued need for the controlled substance(s).
- (3) There must be at least two (2) such random alcohol/drug screens monthly during the period of suspension with concurrent probation; at least one (1) such random alcohol/drug screen weekly during the first and fourth years of the probationary period; and, at least two (2) such random alcohol/drug screens monthly during the second and third years of the probationary period and
- (4) Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

(5) Random alcohol/drug screens must include testing for the following substances:

Amphetamines	Methadone
Barbiturates	Methaqualone
Benzodiazepines	Opiates (Metabolites)
Cannabinoids (THC Metabolites)	Phencyclidine (PCP)
Cocaine	Propoxyphene
Meperidine (Demerol)	Ethanol (alcohol)

(6) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Board and the Department, at the address cited in Paragraph P below, by respondent's therapist, personal physician or the testing laboratory.

M. 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. Respondent shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.

N. Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine and that the ingestion of mouthwash may produce a positive result indicating the presence of alcohol. For that reason, any food substance containing poppy seeds, and mouthwash should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine and/or alcohol, the ingestion of poppy seeds and/or mouthwash shall not constitute a defense to such positive screen.

O. The Board must be informed in writing prior to any change of address.

P. 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 suspension and probationary period of registered nurse license R50778 shall commence on the date this decision is signed by the Board.

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

Dated at Hartford, Connecticut this 19th day of July 2006.

BOARD OF EXAMINERS FOR NURSING

By  \_\_\_\_\_

10-R50778



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

February 5, 2007

Cynthia Rokas, RN  
30 Simsberry Road  
Naugatuck, CT 06770-5301

Re: Memorandum of Decision  
Petition No. 2006-0201-010-010  
License No. R50778

Dear Ms. Rokas:

Please accept this letter as notice that your license suspension has ended, effective January 19, 2007. Your license probation continues until January 19, 2011.

Thank you for your ongoing cooperation in this process.

Very truly yours,

A handwritten signature in cursive script that reads "Bonnie Pinkerton".

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

cc: J. Filippone  
J. Wojick



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Telephone Device for the Deaf (860) 509-7191  
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# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

February 8, 2011

Cynthia Rokas, RN  
30 Simsberry Road  
Naugatuck, CT 06770-5301

Re: Memorandum of Decision  
Petition No. 2006-0201-010-010  
License No. R50778

Dear Ms. Rokas:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective January 19, 2011.

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.

Very truly yours,

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

cc: J. Filippone  
J. Wojick



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