

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

Department of Public Health

Petition No. 2000-0717-010-045

vs.

Amy Perez, RN, Lic. No. R56123  
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 August 7, 2000. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Amy Perez (hereinafter “respondent”) which would subject 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 respondent presented a clear and immediate danger to public health and safety. On August 16, 2000, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Registered Nurse license of respondent 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 August 16, 2000, scheduling a hearing for September 6, 2000. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were served on respondent by a deputy sheriff on August 24, 2000.

The hearing took place on September 6, 2000, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, September 6, 2000, p. 2.

Respondent submitted a written Answer to the Statement of Charges. Dept. Exh. 2. Transcript, September 6, 2000, p. 2.

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 R56123. Respondent was the holder of said license at all times referenced in the Statement of Charges. Answer: Dept. Exh. 2.
2. At all times, respondent was employed as a nurse at St. Francis Hospital in Hartford, Connecticut. Answer: Dept. Exh. 1.
3. On or about June 21, 2000, respondent abused or utilized to excess butalbitol, morphine, and meperidine. Dept. Exh.3; Transcript, September 6, 2000, p. 9-12.
4. Respondent's use of controlled substances does and/or may affect her practice as a nurse. Dept. Exh. 1.
5. On December 15, 1999, the Board ordered a Consent Order in Petition number 991008-010-081 (hereinafter "the Consent Order"). The Consent Order placed respondent's license on probation for four years. Such disciplinary action was based on respondent's admitted diversion of Lortab and Tylox for her own use. Dept. Exh. 3b1-b9.
6. Paragraph 3B of said Consent Order prohibits respondent from using any controlled substance unless it has been prescribed by a physician. Paragraph 3B also requires respondent to undergo weekly urine screening. Dept. Exh. 3-b3.
7. On June 21, 2000, respondent's urine tested positive for butalbitol, morphine, and meperidine. Respondent had no prescription at that time for any medication that would result in positive screens for any of these substances. Dept. Exh. 3c; Transcript, September 6, 2000, pp. 9-11.
8. Respondent's last urine screen was on June 26, 2000. Dept. Exh. 3e; .

### *Conclusions of Law and Discussion*

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

Amy Perez held a valid Registered Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut 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 the General Statutes of Connecticut §4-182(c).

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

The **FIRST COUNT, PARAGRAPH 3** of the Statement of Charges alleges that on or about June 21, 2000, respondent abused or utilized to excess butalbitol, morphine, and meperidine.

Respondent admits to the charges. Dept. Exh. 2.

The **FIRST COUNT, PARAGRAPH 4** of the Statement of Charges alleges that respondent's use of controlled substances does and/or may affect her practice as a nurse.

Respondent admits to the charges. Dept. Exh. 2.

The **SECOND COUNT, PARAGRAPH 9** of the Statement of Charges alleges that respondent's urine tested positive for butalbitol, morphine, and meperidine. Respondent had no prescription at that time for any medication that would result in positive screens for any of the substances.

Respondent denies the allegation that she did not have a prescription for butalbitol, and denies taking morphine or meperidine. Dept. Exh. 2.

The **SECOND COUNT, PARAGRAPH 10** of the Statement of Charges alleges that respondent's last urine screen was on June 26, 2000, in violation of the Consent Order's requirement that respondent have weekly urine screens.

Respondent denies violating the Consent Order. Dept. Exh. 2.

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 . . . (2) illegal conduct, incompetence or negligence in performing usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . . (6) fraud or material deception in the course of professional services or activities . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in the First and Second Count of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b) (2), (5) and (6). Therefore, respondent's Registered Nurse license 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:

For Paragraphs 3 and 4 of the First Count of the Statement of Charges, respondent's Registered Nurse license, number R56123, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

For Paragraphs 9 and 10 of the Second Count of the Statement of Charges, respondent's Registered Nurse license, number R56123, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

Dated at Wethersfield, Connecticut this 3<sup>rd</sup> day of January, 2001.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in black ink, appearing to read "Nancy L. Gunde", is written over a horizontal line. The signature is cursive and extends above and below the line.