

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

Todd Stockheimer, RN  
License No. R56159

Petition No. 2011-22

**MEMORANDUM OF DECISION**

*Procedural Background*

On January 31, 2011, the Department of Public Health ("the Department") filed a Motion for Summary Suspension ("the Motion") and a Statement of Charges ("the Charges") with the Board of Examiners for Nursing ("the Board"). Bd. Exh. 1. The Charges allege violations of Chapter 378 of the General Statutes ("the Statutes") by Todd Stockheimer ("respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to §§ 19a-17 and 20-99(b) of the Statutes.

Based on the allegations in the Charges and the affidavits and reports attached to the Motion, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety and ordered, on March 2, 2011, pursuant to §§ 4-182(c) and 19a-17(c) of the Statutes, that respondent's registered nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Charges ("the Order"). Bd. Exh. 2.

The Charges, the Order, and a Notice of Hearing were mailed to respondent on March 2, 2011. Bd. Ex. 3. A hearing was scheduled for March 9, 2011. Bd. Ex. 3 Following three continuance request filed by respondent the hearing was held on November 16, 2011. Board Exhs. 4-7. At the hearing, respondent appeared pro se; the Department was represented by Attorney David Tilles. Following the close of the record on November 16, 2011 the Board conducted fact finding.

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.

*Allegations*

1. In paragraph one of the Charges, the Department alleges that respondent is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut registered nurse license number R56159.
2. In paragraph two of the Charges, the Department alleges that at various times from on or about January 1, 2009 through on or about October 30, 2010, respondent abused or utilized oxycodone and/or codeine to excess.
3. In paragraph three of the Charges, the Department alleges that respondent's abuse of controlled substances does, and/or may, affect his practice as a registered nurse.
4. In paragraph four of the Charges, the Department alleges at various times from on or about January 1, 2009 through on or about October 30, 2010, respondent provided one or more controlled substances to friends, without a physician's order or other valid medical need.
6. In paragraph five of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to § 20-99, but not limited to, §§ 20-99(b)(2) and/or 20-99(b)(5).

*Findings of Fact*

1. Respondent admits the factual allegations in paragraphs 1, 2 and 4 of the charges but denies the allegation in paragraph 3. Tr., pp. 5-6.
2. Respondent has not worked as a nurse in a clinical setting since on or about 1999/2000. Tr. p. 22.
3. During the relevant period respondent was employed at Bristol Meyers Squibb Pharmaceutical Company, Wallingford, Connecticut. Tr. p. 7.
4. Respondent has abused Percocet and oxycodone since 2007 subsequent to back surgery in 2007. Dept. Exh. 10, p. 2 (under seal)
5. From at least January 2009 through November 2010, while employed at Bristol Meyers Squibb Pharmaceutical Company, respondent received numerous prescriptions for various controlled substances written by Robert Hinds, MD, a fellow employee. Dept. Exhs. 1, p. 7-9 and 2.
6. Dr. Hinds initially wrote prescriptions for respondent's chronic back pain. The last time that respondent was evaluated by Dr. Hinds was approximately October 2009. Respondent testified that his use of the prescriptions written by Dr. Hinds escalated. Dept. Exh 1, p. 9; Dept. Exh. 2, p. 35; Tr. p. 25 (under seal).

7. In addition to his personal use of the controlled substance prescribed by Dr. Hides, respondent gave controlled substances to his friends and also gave controlled substances to Dr. Hides for Dr. Hides' own use. Dept. Exh 1, p. 9; Dept. Exh. 2, p. 35; Tr. pp. 25-26 (under seal).
8. Respondent was arrested for, and plead guilty to illegal possession of narcotics. Tr. p. 8.
9. Respondent is not currently engaged in counseling or treatment for chemical dependency. Tr. p. 36.

#### *Discussion and Conclusions of Law*

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Goldstar Medical Services, Inc., et al. v. Department of Social Services*, 288 Conn. 790 (2008); *Swiller v. Comm'r of Public Health*, CV-950705601, Superior Court, J.D. Hartford/New Britain at Hartford, October 10, 1995; *Steadman v. SEC*, 450 U.S. 91, 101 S. Ct. 999, *reh'g den.*, 451 U.S. 933 (1981). The Department sustained its burden of proof with regard to the allegations contained in paragraphs 1-4 of the Charges.

Section 20-99 of the Statutes provides, in pertinent part, that:

- (a) The Board . . . 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 carrying out usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . .

The Board concludes that respondent's conduct as alleged in the Charges is proven by a preponderance of the evidence presented and respondent admissions, and said conduct constitutes grounds for disciplinary action pursuant to §§ 20-99(b)(2), (5) and 19a-17 of the Statutes.

The Board concludes that respondent has a significant history of substance abuse and he is at high risk of relapse and continued substance abuse at this time. Despite respondent's denial that his abuse of controlled substances affects his practice as a nurse, the Board concludes that if respondent does not engage in proper relapse prevention and treatment, the abuse of controlled substances may affect his practice should he return to work as a registered nurse. The Board therefore concludes that respondent cannot safely practice nursing even under the terms of a period of probation.

*Order*

Based on the record in this case, the above findings of fact and conclusions of law, the Board hereby orders that respondent's license number R56159 to practice as a registered nurse in the State of Connecticut is hereby **REVOKED**.

The Board of Examiners for Nursing hereby informs respondent, Todd Stockheimer, and the Department of Public Health of the State of Connecticut of this decision, which becomes effective on the date signed by the Board of Examiners for Nursing.

Dated at Hartford, Connecticut this 18<sup>th</sup> day of April, 2012.

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Bouffard, D.N.Sc.  
Patricia C. Bouffard, D.N.Sc. Chair

**CERTIFICATION**

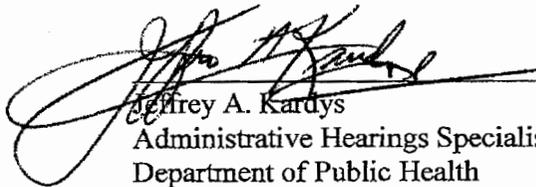
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 18<sup>th</sup> day of April 2012, by certified mail, return receipt requested and first class mail to:

Todd Stockheimer  
4 Hill Road  
Middlebury, CT 06762

Certified Mail 91-7108-2133-3936-6420-2655

and via email to:

Matthew Antonetti, Principal Attorney  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
Hartford, CT 06134-0308



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Jeffrey A. Kardys  
Administrative Hearings Specialist/Board Liaison  
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