

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH

In re: Jennifer Prentiss, R.N.

Petition No. 2008-0222-010-023

REINSTATEMENT CONSENT ORDER

WHEREAS, Jennifer Prentiss Borkowski of Wethersfield, Connecticut (hereinafter "respondent") was issued license number R56636 on April 2, 1999 to practice as a registered nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and

WHEREAS, respondent's license expired on February 29, 2008, was subsequently revoked pursuant to a Memorandum of Decision in Petition No. 2008-0222-010-023 on January 19, 2011 (hereinafter "Memorandum of Decision"); and

WHEREAS, respondent appealed said Memorandum of Decision in the matter of Prentiss v. Connecticut Department of Public Health and Board of Examiners for Nursing, CV-11-600921S; and

WHEREAS, respondent contends that at the hearing on Petition No. 2008-0222-010-023, she was provided with inadequate assistance of counsel which resulted in her inability to present the complete report of a voluntary, observed, urine and hair sample screen on December 14, 2007, with documented chain of custody, which was negative for narcotics or other illegal drugs; and

WHEREAS, the matter has been remanded to the Board of Examiners for Nursing ("the Board") for further proceedings; and

WHEREAS, Respondent further agrees that this Reinstatement Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(a) of the General Statutes of Connecticut;

NOW THEREFORE, pursuant to §§19a-17 and 20-99 of the General Statutes of Connecticut, as amended, respondent and the Board hereby stipulate and agree as follows:

1. Respondent denies the allegations contained in Petition No. 2008-0222-0110-023 and further waives her right to a hearing on the merits of this matter.
2. Respondent's license to practice as a registered nurse shall be reinstated at such time as she may apply for reinstatement and satisfies the requirements for reinstatement of her license, as set forth in §§ 19a-14-1 through 19a-14-5, inclusive, of the Regulations of Connecticut State Agencies.
3. Immediately upon issuance, respondent's license shall be placed on probation for a period of two (2) years under the following terms and conditions:
 - A. Respondent shall successfully complete a Board approved registered nurse refresher program. Certification of successful completion of the refresher program shall be submitted to the Board, directly from the educational institution where said program was taken, within thirty (30) days of the program's completion. Until such time that respondent successfully completes the refresher program respondent is prohibited from practicing as a nurse and respondent's registered nurse license will be restricted and used for the sole purpose of participating in the refresher program. In the event that Respondent is unable to complete a refresher program during the two (2) year probationary period, she must request an extension of her probationary period in order to fulfill this requirement, but shall not be employed as nurse in any capacity until she has successfully completed a refresher program. Should respondent not complete the refresher program before November 30, 2013, she shall also successfully complete the

National Council License Exam for Registered Nurses (NCLEX) in addition to the refresher program prior to being employed in a nursing capacity.

B. Respondent shall not obtain or use narcotic drugs or other controlled substances in any form unless prescribed or recommended for a legitimate therapeutic purpose by a licensed health care professional authorized to prescribe medications.

- (1) At her own expense, she shall submit to observed random urine screens for narcotic drugs and other controlled substances, in accordance with Department Requirements for Drug and Alcohol Screens, attached hereto marked as ("Attachment 'A': Department Requirements for Drug and Alcohol Screens") at a CLIA-certified testing facility approved by the Board, after consultation with the Department, at least one time but not more than two times per calendar month. Laboratory reports of random drug screens and/or any other drug related laboratory reports shall be submitted directly to the Board and the Department by the testing laboratory. All such observed random drug screens shall be legally defensible in that the specimen donor and chain of custody can be identified throughout the screening process. All laboratory reports shall indicate that the chain of custody procedure has been followed. The Board agrees to designate or approve a testing facility, provided it meets accepted standards, within 30 miles of respondent's then current residence. The parties agree that the provisions of Attachment A concerning alcohol screening shall not be applicable to Respondent.
- (2) Respondent shall be responsible for notifying the laboratory, the Board, the Department and her prescribing practitioner of any drug(s) she is taking. For the

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 not prescribed by the provider, documenting 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) All screens shall be negative for the presence of drugs.

(4) All positive screen results shall be confirmed by gas chromatograph/mass spectrometer (GC/MS) testing.

(5) Respondent is hereby advised that the ingestion of poppy seeds and mouthwash and over the counter cough or cold medicines or remedies has, from time to time, been raised as a defense to a positive screen result for morphine and/or opiates. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances, mouthwash and over the counter cough or cold medicines or remedies during the term of this Reinstatement Consent Order. In the event respondent has a positive screen for morphine, and/or opiates, respondent agrees that the ingestion of poppy seeds and/or mouthwash and/or over the counter cough or cold medicines or remedies shall not constitute a defense to such a screen.

C. Respondent shall not be employed as a nurse for a personnel provider service, assisted living services agency, homemaker - home health aide agency, or home health care agency, and shall not be self-employed as a nurse for the period of her probation.

D. Respondent shall not administer, count, or have access to narcotics or other controlled substances, or have responsibility for such activities in the course of her nursing duties during the probationary period. Further, if Respondent will be engaged in any of these activities for any employer within the State of Connecticut after her probationary period lapses and prior to January 1, 2016, she shall provide fifteen (15) days advance written notice to the Department of the change in her responsibilities and be subject to the screening requirements in paragraph 3B of this Reinstatement Consent Order for one (1) additional year commencing on the date that she begins engaging in such activities. Any positive screen that occurs during this additional one (1) year period shall subject Respondent to the disciplinary procedures set forth in paragraph 4.

E. Respondent shall provide a copy of this Reinstatement Consent Order to any and all employers if employed as a nurse during the probationary period. The Board and the Department shall be notified in writing by any employer(s) within fifteen (15) days of the commencement of employment as to the receipt of a copy of this Reinstatement Consent Order. Respondent shall be responsible for the provision of written reports directly to the Board and the Department from her nursing supervisor (i.e., Director of Nursing) monthly for the first year of her probation and quarterly for the second year of probation. Employer reports shall include documentation of respondent's ability to safely and competently practice nursing, and shall be issued to the Board and the Department at the address cited in paragraph 3J below.

F. Respondent shall notify the Board and the Department in writing of any change of employment within fifteen (15) days of such change.

G. Respondent shall notify the Board and the Department of any change in her home or business address within fifteen (15) days of such change.

H. If respondent pursues further training or is engaged, in an educational program in any subject area that is regulated by the Department, at the time of the implementation of the Reinstatement Consent Order respondent shall provide a copy of this Reinstatement Consent Order to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department of receipt of the Reinstatement Consent Order within fifteen (15) days of receipt.

I. All reports required by the terms of this Reinstatement Consent Order shall be due according to a schedule to be established by the Department of Public Health.

J. All correspondence and reports shall be addressed to:

Bonnie Pinkerton
Department of Public Health
Practitioner Licensing and Investigations
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

4. Any violation of the terms of this Reinstatement Consent Order without prior written approval by the Board shall constitute grounds for the Department to seek revocation of respondent's nursing license following notice and an opportunity to be heard.
5. 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 action at a later time. The Board shall not be required to grant future extensions of time or grace periods.

6. Respondent shall comply with all federal and state statutes and regulations applicable to her profession.
7. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department with a copy to her legal counsel, Stephen Cowherd, Jeffers Cowherd, PC, 55 Walls Drive, Fairfield, CT 06824.
8. Respondent understands this Reinstatement Consent Order may be considered as evidence in any proceeding before the Connecticut Board of Examiners for Nursing in which (1) her compliance with this Reinstatement Consent Order is at issue, or (2) her compliance with §20-99 of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Reinstatement Consent Order shall be reported to the National Practitioner Data Bank.
9. In the event respondent violates a term of this Reinstatement Consent Order, respondent agrees immediately to refrain from practicing as a registered nurse, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Board and shall be given due weight by the Board in determining whether respondent's

conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

10. In the event respondent violates any term of this Reinstatement Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Board.
11. If, during the period of probation, respondent resides and/or practices nursing outside Connecticut, she shall provide written notice to the Department concerning such out-of-state residence or employment. During such time period, respondent shall be responsible for complying with the terms of probation of this Consent Order.
12. This Reinstatement Consent Order and the terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent understands that this Reinstatement Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Reinstatement Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the Connecticut General Statutes provided that this stipulation shall not deprive respondent of any other rights that she may have under the laws of the State of Connecticut or of the United States.
13. Respondent permits a representative of the Department to present this Reinstatement Consent Order and the factual basis for this Reinstatement Consent Order to the Board. The

Department and respondent understand that the Board has complete and final discretion as to whether an executed Reinstatement Consent Order is approved or accepted.

14. This Reinstatement Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
15. This Reinstatement Consent Order is effective on the first day of the month immediately following the month the Reinstatement Consent Order is approved and accepted by the Board.
16. Respondent has the right to consult with an attorney prior to signing this document.
17. This Reinstatement Consent Order is a matter of public record.
18. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
19. This Reinstatement Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.
20. The Memorandum of Decision in Petition No. 2008-0222-010-023 is rescinded and this Reinstatement Consent Order is adopted in lieu thereof. Within thirty (30) days of approval of this Reinstatement Consent Order, the Department shall submit a Revision to Action or similar report to the National Practitioner Data Bank (NPDB) and Healthcare Integrity Protection

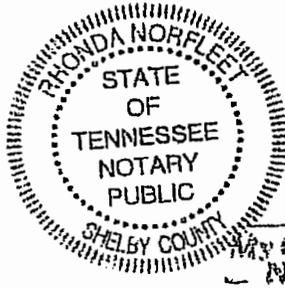
Data Bank (HIPDB) that the Memorandum of Decision is rescinded and that respondent is eligible for reinstatement of license conditioned upon the terms of probation.

21. Respondent agrees to withdraw her appeal in the matter of Prentiss v. Connecticut Department of Public Health, CV-11-600912S.

I, Jennifer Prentiss Borkowski, have read the above Reinstatement Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Reinstatement Consent Order to be my free act and deed.

Jennifer Borkowski
Jennifer Prentiss Borkowski

Subscribed and sworn to before me this 14th day of November 2011.



Rhonda Norfleet
Notary Public or person authorized by law to administer an oath or affirmation

The above Reinstatement Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 15th day of November _____, 2011, it hereby ordered and accepted.

Jennifer L. Filippone
Jennifer L. Filippone, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Systems Branch

The above Reinstatement Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 16th day of November _____, 2011, it is hereby ordered and accepted.

BY: Mary M. Bonin
Connecticut Board of Examiners for Nursing



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Attachment "A"

REQUIREMENTS FOR DRUG AND ALCOHOL SCREENS

Respondent: _____

Petition No. _____

Screening Monitor Information (Name, Address, Phone and Fax):

SCREENING MONITORS: PLEASE READ THE FOLLOWING CAREFULLY AND CONDUCT SCREENS ACCORDINGLY:

1. Each screen must test for the following substances: alcohol (breathalyzer tests are not acceptable), amphetamines, barbiturates, benzodiazepines, cannabinoids (THC metabolites), cocaine, meperidine, opiates, methadone, phencyclidine (PCP), propoxyphene, Stadol, Tramadol, hydrocodone, hydromorphone, and oxycodone. Screens for additional substances, such as Fentanyl, may also be required if so requested by the Department. Partial screens will not be accepted. When indicated in the Consent Order, random EtG tests will be performed.
2. Urine collections must be directly observed. The urine monitor must be in the room with the respondent and directly observe the donor providing the urine specimen into the cup.
3. The frequency of screens is as follows: _____.
4. Collections must be random. There must be no pre-arrangement between respondent and his or her employer, supervisor, therapist, screening monitor, and/or the lab in scheduling drug and alcohol screens. There must be no pattern of times, dates, or identifiable sequence (i.e. every Monday or alternating Wednesdays). If a respondent's therapist is also serving as screening monitor, the specimen collection may not occur on the same day as a therapy session. Screening will be done on weekends and holidays if ordered by the Board.



Phone: (860) 509-7400
 Telephone Device for the Deaf (860) 509-7191
 410 Capitol Avenue - MS # 12HSR
 P.O. Box 340308 Hartford, CT 06134
 An Equal Opportunity Employer

5. Specimens will be collected as follows (CHECK ONE):

- The screening monitor (pre-approved by the Department) will call the respondent for collections. The respondent shall provide the monitor with ONE telephone number where s/he may be reliably reached. Respondent shall check messages frequently.

OR

- Respondent shall phone the screening monitor (pre-approved by the Department) every day, Monday through Friday, before 9 a.m., without exception, at which time s/he shall be advised of whether s/he must appear for a screen.

Respondent must appear for specimen collections within 2 - 5 hours of being notified.

The screening monitor must provide immediate notice to the Department if respondent: fails to phone the screening monitor before 9 a.m. (if applicable); does not present himself or herself for screening; or, arrives at the collection site more than 5 hours after speaking with the screening monitor.

A MISSED OR LATE SCREEN IS CONSIDERED A POSITIVE SCREEN.

6. Respondent will notify the screening monitor and the Department in writing at least two weeks prior to scheduled vacations. Screens will be collected prior to and following periods of vacation at the Department's discretion. Respondent will give the screening monitor a minimum of seventy-two hours' prior notice if s/he will be unavailable for a screen on a certain day. Absent notice, a missed screen will be considered to be a positive screen.
7. Specimens are to be handled in such a manner as to maintain Chain of Custody. Chain of Custody documentation must accompany all laboratory reports and/or the laboratory reports shall indicate that the Chain of Custody procedure has been followed. **Respondent must document all medications s/he is taking on each Chain of Custody form (just find a blank space on the form).** Respondent is responsible for Chain of Custody documentation being completed properly. In the event Chain of Custody is incomplete, the respondent may be called for a repeat screen.
8. All positive results shall be confirmed by gas chromatograph/mass spectrometer (GC/MS) testing method.
9. Lab analysis of urine specimens must be conducted at: Bendiner & Schlesinger, Inc., 140 58th Street, Brooklyn, NY 11220. Contact: Mr. Francis Hartigan, at fhartigan@bendinerlab.com, or at (212) 353-5108.

Respondent must obtain Department-approval for any lab s/he chooses to use other than Bendiner & Schlesinger. The proposed lab must be capable of conducting forensic screens and testing for each of the substances set forth in paragraph 1 of these Guidelines.

10. If problems/questions, call Bonnie Pinkerton at (860) 509-7651, or Olive Tronchin at (860) 509-7644.

All screening monitors and back-up screening monitors must sign below acknowledging receipt and review of this protocol and indicating agreement to conduct screens accordingly.

Signature: _____

Signature: _____

Print name: _____

Print name: _____

Date: _____

Date: _____

Signature: _____

Signature: _____

Print name: _____

Print name: _____

Date: _____

Date: _____

Complete page 1, sign page 3, and fax all three pages to Bonnie Pinkerton at (860) 509-8368.

Re: _____

Pet. No. _____