

STATE OF CONNECTI
BOARD OF EXAMINERS FOR

IN RE:

ANNA MAE HAYES, LPN
525 Pearl Harbor Street
Bridgeport, Connecticut 06610

820310-1A-009

MEMORANDUM OF DECISION

The Board of Examiners for Nursing was presented by the Department of Health Services with a Notice of Hearing and Statement of Charges dated March 31, 1983.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Notice of Hearing provided that the hearing was scheduled in Room 308, State Armory, 360 Broad Street, (between Capitol and Farmington Avenues) Hartford, Connecticut, on April 12, 1983.

Each member of the Board of Examiners for Nursing involved in this decision attests that he/she has reviewed the record, and that this decision is based entirely on the record.

RECEIVED
DEPARTMENT OF HEALTH SERVICES
NOV 15 1983
HEARINGS & INVESTIGATIONS
DIVISION OF MEDICAL
QUALITY ASSURANCE

FACTS

1. Anna Mae Hayes, respondent, was at all pertinent times licensed to practice nursing as a licensed practical nurse in Connecticut, with registration number 04077.

2. Pursuant to Connecticut General Statutes, Section 4-182(c), the respondent was provided a full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license.

3. From the facts adduced at hearing, it is found that: a). On or about December 1, 1981, the respondent, while employed and on duty as a licensed practical nurse at Roncalli Health Center, a skilled nursing facility, Grant Street, Bridgeport, Connecticut, unlawfully diverted Dilaudid (a controlled substance) 4 mg. tablets on two occasions, and unlawfully charted on Control Drug Record of Use sheet No. 47434 that same Dilaudid was for patient Alice Peka, who had been pronounced dead earlier that same day. The respondent also indicated on the cited Record of Use sheet that the Dilaudid involved was wasted, but she failed to obtain the co-signature of a witness to the alleged act of wasting said Dilaudid;

b). On or about January 12, 1982, the respondent, while employed and on duty as a licensed practical nurse at Roncalli Health Center, unlawfully diverted a container and its contents of 30 Meprobamate (a controlled substance) 400 mg. tablets, for patient Victoria Stempien;

c). On or about January 12, 1982, the respondent, while employed and on duty as a licensed practical nurse at Roncalli Health Center, unlawfully diverted for her own purposes the proof of use sheet pertaining to the controlled substance described in (b) above;

d). On at least seven occasions beginning on or about January 20, 1982 and continuing until on or about January 29, 1982, the respondent while employed and on duty as a licensed practical nurse at Roncalli Health Center, failed accurately to chart in the Proof of Use sheet, Medication Record, and Nurse's Notes, the alleged administration of Meprobamate to patient Victoria Stempien;

e). On or about January 29, 1982, the respondent while employed and on duty as a licensed practical nurse at Roncalli Health Center, unlawfully diverted a container and its contents of 30 Meprobamate, 400 mg. tablets, prescription

No. 119980, for patient Victoria Stempien;

f). On or about January-29, 1982, the respondent while employed and on duty as a licensed practical nurse at Roncalli Health Center, unlawfully diverted for her own purposes the proof of use sheet pertaining to the controlled substance described in (e) above.

4. The activities referenced in paragraph 3 above, were discovered by Sandra C. Schweitzer, Drug Control Agent.

DISCUSSION

5. The First Count alleges that the respondent violated the provisions of Section 20-99(b) by unlawfully diverting Dilaudid (a controlled substance) 4 mg. tablets on two occasions, and by unlawfully charting on Control Drug Record of Use sheet No. 47434.

The inescapable conclusion to draw from the facts found by the Board is that the respondent has violated Section 20-99(b) as specified in the First Count.

6. The Second Count alleges that the respondent violated the provisions of Section 20-99(b) by unlawfully diverting a container and its contents of 30 Meproamate (a controlled substance) 400 mg. tablets, prescribed for a patient.

The inescapable conclusion to draw from the facts found by the Board is that the respondent has violated Section 20-99(b) as specified in the Second Count.

7. The Third Count alleges that the respondent violated the provisions of Section 20-99(b) by unlawfully diverting for her own purposes the proof of use sheet pertaining to the controlled substance described in the Second Count.

The inescapable conclusion to draw from the facts found by the Board is that the respondent has violated Section 20-99(b) as specified in the Third Count.

8. The Fourth Count alleges that the respondent violated the provisions of Section 20-99(b) by failing accurately to chart in the proof of Use sheet, Medication Record and Nurse's Notes the alleged administration of Meproamate to a patient.

The inescapable conclusion to draw from the facts found by the Board is that the respondent has violated Section 20-99(b) as specified in the Fourth Count.

9. The Fifth Count alleges that the respondent violated the provisions of Section 20-99(b) by unlawfully diverting a container and its contents of 30 Meprobamate, 400 mg. tablet prescribed for a patient.

The inescapable conclusion to draw from the facts found by the Board is that the respondent has violated Section 20-99(b) as specified in the Fifth Count.

10. The Sixth Count alleges that the respondent violated the provisions of Section 20-99(b) by unlawfully diverting for her own purposes the proof of use sheet pertaining to the controlled substance described in the Fifth Count.

The inescapable conclusion to draw from the facts found by the Board is that the respondent has violated Section 20-99(b) as specified in the Sixth Count.

ORDER

11. It is the unanimous decision of the Board of Examiners for Nursing that effective upon receipt of this order:

a). The license of the respondent, Anna Mae Hayes, LPN, be suspended for a minimum period of two (2) years determined as follows:

1. as to each of the Counts one and four, suspension for a period of six (6) months; said periods of suspension to run concurrently with each other for an effective suspension period of six months on these counts.

2. as to each of the Counts two, three, five and six, suspension for a period of four and one-half months, said periods of suspension to run consecutively with each other and with the six month period of suspension rendered under paragraph 1a)1.

b). At the end of the two (2) years specified in (a), the respondent may personally appear before the Board to request reinstatement. The respondent may bring with her whatever documentation she wishes to support the return of her license.

12. The respondent, Anna Mae Hayes, LPN, is hereby directed to surrender her license and current registration to the Board of Examiners for Nursing at 150 Washington Street, Hartford, Connecticut 06106, within five (5) days of receipt of this decision.

13. The Board of Examiners for Nursing herewith advises the Department of Health Services of the State of Connecticut of its decision that the registration license of Anna Mae Hayes be suspended in accordance herewith.

Dated at Hartford, Connecticut, this 10th day of
November, 1983.

BOARD OF EXAMINERS FOR NURSING

BY: *Bette Jane M. Murphy, R.N.*
BETTE JANE M. MURPHY, RN
Chairman