

STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

IN RE:

Kathleen Struber, L.P.N., ~~1984~~ 005344  
C/O Attorney Wilfred J. Rodie  
P.O. Box 254  
Stratford, CT 06497

1983-0224-011-006

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 July 17, 1984.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Notice of Hearing provided that the hearing would take place on August 9, 1984 in the State Armory, 360 Broad Street, Hartford, Connecticut.

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.

FACT

1. Kathleen Struber, respondent, was at all pertinent times licensed to practice nursing as a practical nurse in Connecticut, with registration number E-5344.

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. The respondent: a) from July, 1983 until October of 1983 abused and/or used to excess Mellaril and the controlled substance Tylenol #3; b) between July, 1983 and October of 1983 while employed as a nurse at Hewitt Memorial Hospital, Shelton, Connecticut diverted Mellaril and Tylenol #3, and substituted plain Tylenol for Tylenol #3 in patient stocks.

4. The activities referenced in paragraph three (3) were uncovered by Richard Moore, Drug Control Agent, Department of Consumer Protection during an investigation conducted at Hewitt Memorial Hospital during September and October, 1983. Drug Control Agent John Whalen of the Department of Consumer Protection also assisted in the investigation during October, 1983.

#### DISCUSSION

5. The First Count alleges that the respondent violated provisions of Section 20-99(b) from July, 1983 continuing until October, 1983 by abusing and/or using to excess Mellaril and the controlled substance Tylenol #3.

In pertinent part, Section 20-99(b) forbids: ...(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals.

The Board determined that the respondent used Mellaril and Tylenol #3. The respondent has failed to conform with the standards of nursing.

Based on the foregoing, the Board concludes that the respondent has violated Section 20-99(b) as specified in the First Count.

6. The Second Count alleges that the respondent violated provisions of Section 20-99(b) from July, 1983 and continuing until October, 1983 while

employed as a nurse at Hewitt Memorial Hospital, Shelton, by diverting to her own use Mellaril and the controlled substance Tylenol #3.

In pertinent part, Section 20-99(b) forbids: ...(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions.

The Board determined that the respondent had diverted Mellaril and the controlled substance Tylenol #3. Standards of nursing require a nurse to maintain a secure environment for all medications and remove medications only for patient consumption.

Based on the foregoing, the Board concludes that the respondent has violated Section 20-99(b) as specified in the Second Count.

7. The Third Count alleges that the respondent violated provisions of Section 20-99(b) from July, 1983 and continuing until October, 1983 while employed as a nurse at Hewitt Memorial Hospital by substituting plain Tylenol for Tylenol #3 in patient stocks.

In pertinent part, Section 20-99(b) forbids: ...(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions.

The Board determined that the respondent had substituted plain Tylenol for Tylenol #3 in patient stocks. Standards of nursing require all tablets be kept in properly labelled containers. Substitution of plain Tylenol for Tylenol #3 does not conform to standards of practice.

Based on the foregoing, the Board concludes that the respondent has violated Section 20-99(b) as specified in the Third Count.

#### ORDER

8. It is the unanimous decision of the Board of Examiners for Nursing that:

- a. The license of the respondent be suspended for a minimum period of six (6) months determined as follows:
  - i. as to the First Count, six (6) months;
  - ii. as to the Second Count, six (6) months;
  - iii. as to the Third Count, six (6) months;
  - iv. all counts are to run concurrently;
  - v. suspension effective as of November 1, 1984.
- b. At the end of the six (6) months specified in (a) the respondent may request reinstatement of her license.

9. The respondent, Kathleen Struber, is hereby directed to surrender her license and current registration to the Board of Examiners for Nursing at 150 Washington Street, Hartford, Connecticut 06106 on or before November 1, 1984.

10. The Board of Examiners for Nursing herewith advises the Department of Health Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 25<sup>th</sup> day of October, 1984

BOARD OF EXAMINERS FOR NURSING

BY: Bette Jane M. Murphy, R.N.  
Bette Jane M. Murphy, R.N., Chairman