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STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

IN RE: Kathleen M. Flanagan, L.P.N. 011406
1168 Woodtick Road
Wolcott, CT 06716

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing, (hereafter the "Board"), was presented by the Department of Health Services with a Statement of Charges dated March 24, 1986.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing. The hearing took place on January 21, 1987 in room B 120-121 of The Department of Health Services at 150 Washington Street, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she has reviewed the record, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence at the above hearing, the Board made the following findings of fact:

1. Kathleen M. Flanagan, respondent, was at all pertinent times licensed to practice nursing as a licensed practical nurse with registration number 011406.
2. Pursuant to Connecticut General Statutes, Section 4-182(c), the respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license.
3. Between February, 1983 and March, 1985, while working as a licensed practical nurse at Waterbury Hospital, Waterbury, CT., the respondent diverted the controlled substance Demerol and failed to make accurate or complete documentations in medical or hospital records. Specifically, on March 27, 1985 Kathleen Flanagan signed out three doses of Demerol on the proof of use sheet for patient Gladys Jordan. Two of said doses were diverted by Kathleen Flanagan for her own personal use. In her handwritten statement dated March 28, 1985 the respondent admitted using small amounts of Demerol, hoping to forget her problems, beginning one year after surgery of February of 1982.

DISCUSSION AND CONCLUSIONS

The First Count Subsection 3a alleges that between February 1983 and March 1985, the respondent, while working as a licensed practical nurse at Waterbury Hospital, diverted the controlled substance Demerol. The respondent admitted that she had diverted the Demerol for her own personal use during that time period in order to forget her problems. The above described conduct is a violation of Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) forbids: (2) illegal conduct incompetence or negligence in carrying out usual nursing functions; (4) emotional disorder or mental illness; (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.

The Board has determined that between February, 1983 and March, 1985, the respondent, while working as a licensed practical nurse at Waterbury Hospital, diverted the controlled substance Demerol. The Board therefore concludes that the respondent has violated Section 20-99(b) as specified in the First Count, subsection 3a.

The First Count Subsection 3b alleges that between February, 1983 and March, 1985, while working as a licensed practical nurse at Waterbury Hospital, the respondent failed to make accurate or complete documentations in medical or hospital records. The respondent admitted to these charges at the hearing. The above described conduct is a violation of

Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) forbids: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (6) fraud or material deception in the course of professional services or activities; (7) wilful falsification of entries in any hospital patient or other record pertaining to drugs, the results of which are detrimental to the health of a patient.

The Board has determined that between February, 1983 and March, 1985, while working as a licensed practical nurse at Waterbury Hospital, the respondent failed to make accurate or complete documentations in medical or hospital records. The Board therefore concludes that the respondent has violated Section 20-99(b) as specified in the First Count, subsection 3b.

ORDER

It is the unanimous decision of those members of the Board of Examiners for Nursing who were present and voting that:

- a. The respondent be placed on probation for a minimum period of one year determined as follows:
 - i. as to the First Count, subsection 3a, one year probation;
 - ii. as to the First Count, subsection 3b, one year probation;
 - iii. the one year probationary periods referenced in (i) and (ii), above are to run concurrently, for a total effective probationary period of one year;

- iv. that as a condition of probation the respondent is to have her medical doctor submit bimonthly random drug screen reports which demonstrate the respondent's drug free status; these reports shall be due in the Board's office the first day of evenly numbered months;
- b. If the condition referenced in (a), above, is not met the respondent's license may be revoked immediately.
- c. The said period of probation shall commence on June 1, 1987.
- d. At the end of the one year probation specified in (a) above, the probationary status will be removed if conditions referenced in (a) above are met.

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

Dated at *New Hartford*, Connecticut, this *5th* day of *May*, 1987

BOARD OF EXAMINERS FOR NURSING

BY *Bette Jane M. Murphy RN*

Bette Jane M. Murphy R.N., Chairman