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DEPARTMENT OF HEALTH SERVICES

JUN 27 1986

HEARING INVESTIGATION
DIVISION OF MEDICAL
QUALITY ASSURANCE

STATE OF CONNECTICUT

BOARD OF EXAMINERS FOR NURSING

1985 0719 011 028

IN RE:

Nancy E. Small, LPN, 013953

617 Long Cove Road

Gales Ferry, CT 06335

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 August 23, 1985.

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 September 26, 1985 in Room 308 at the State Armory, 360 Broad Street, Hartford, Connecticut. A Notice of Postponement of formal hearing was issued on October 7, 1985, indicating October 23, 1985 as the rescheduled hearing date.

The respondent, Nancy E. Small, was not present at above mentioned hearing, nor represented by counsel.

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 the specialized knowledge of the members of the Board in evaluating the evidence.

FACTS

The Board made the following findings of facts based on the testimony given and the exhibits offered into evidence at the hearing:

1. Nancy E. Small, respondent, was a graduate nurse and subsequently licensed on December 28, 1973, to practice nursing as a licensed practical nurse in Connecticut, pursuant to Chapter 378 of the Connecticut General Statutes, with registration number 013953. The respondent was so licensed at times referenced in this document.

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, on or about December 1984 and subsequent thereto while working as a licensed practical nurse at the New London Convalescent Home, Clark Lane, Waterford, Connecticut, diverted the controlled substances Demerol and Tylox or diluted, substituted or otherwise altered said drugs; or utilized said drugs while at work.

4. The respondent obtained the Demerol via substitution with normal saline or sterile water and the Tylox by emptying the capsules.

5. The above activity continued on a sporadic basis from intervals of two months to twice a week.

6. The respondent would inject herself with approximately 150 mg. doses of Demerol throughout the shift for a maximum of 400 mg.

7. On June 27, 1985, the respondent removed approximately 10cc of Demerol from prescription number 3094341 for a patient which she replaced with saline. She injected herself with 10cc of Demerol over the course of the evening in about four doses.

8. The respondent failed to adequately document said dilution, substitution, withdrawal, or other alterations in appropriate hospital medical, patient, or other record.

DISCUSSION AND CONCLUSIONS

9. The First Count alleges that the respondent violated Connecticut General Statutes, Section 20-99(b)(2) by diverting the controlled substances Demerol and Tylox or diluting, substituting or otherwise altering said drugs; or utilizing said drugs while at work. The respondent admitted to this charge in a signed statement given to Stanley Kornacki, Drug Control Agent for the Department of Consumer Protection, on June 28, 1985.

Subsection (2) of Section 20-99(b) forbids "illegal conduct, incompetence or negligence in carrying out usual nursing functions".

The Board determined that on or about December 1984, and subsequent thereto while working as a licensed practical nurse at the New London Convalescent Home, Clark Lane, Waterford, Connecticut, the respondent diverted the controlled substances Demerol and Tylox or diluted, substituted or otherwise altered said drugs; or utilized said drugs while at work. The Board therefore concludes that the respondent has violated Section 20-99(b)(2) as specified in the First Count.

10. The Second Count alleges that the respondent violated Connecticut General Statutes, Section 20-99(b)(6) by diverting the controlled substances Demerol and Tylox or diluting, substituting

or otherwise altering said drugs; or utilizing said drugs while at work. The respondent admitted to this charge in a signed statement given to Stanley Kornacki, Drug Control Agent for the Department of Consumer Protection, on June 28, 1985.

Subsection(6) of Section 20-99(b) perhibits "fraud or material deception in the course of professional services or activities."

The Board determined that on or about December 1984, and subsequent thereto while working as a licensed practical nurse at the New London Convalescent Home, Clark Lane, Waterford, Connecticut, the respondent diverted the controlled substances Demerol and Tylox or diluted, substituted or otherwise altered said drugs; or utilized said drugs while at work. The Board therefore concludes that the respondent has violated Section 20-99(b)(6) as specified in the Second Count.

11. The Third Count alleges that the respondent violated Connecticut General Statutes, Section 20-99(b)(5) by diverting the controlled substances Demerol and Tylox or diluting, substituting or otherwise altering said drugs; or utilizing said drugs while at work. The respondent admitted to this charge in a signed statement given to Stanley Kornacki, Drug Control Agent for the Department of Consumer Protection, on June 28, 1985.

Subsection (5) of Section 20-99(b) forbids "abuse or excessive use of drugs, including alcohol, narcotics or chemicals."

The Board determined that on or about December 1984, and subsequent thereto while working as a licensed practical nurse at the New London Convalescent Home, Clark Lane, Waterford, Connecticut, the respondent diverted the controlled substances Demerol and Tylox or diluted, substituted or otherwise altered

said drugs; or utilized said drugs while at work. The Board therefore concludes that the respondent has violated Section 20-99(b)(5) as specified in the Third Count.

12. The Fourth Count alleges that the respondent violated Connecticut General Statutes, Section 20-99(b)(7) by diluting, substituting, withdrawing or otherwise altering the controlled substances Demerol and Tylox without properly documenting said acts in the appropriate hospital, patient, or other record(s) while at work.

Subsection(7) of Section 20-99(b) prohibits "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 determined that vials which had been altered were removed from the medication area. Therefore, the Board could not determine if the results of the respondent's actions were detrimental to the health of a patient. The Board concludes that there is insufficient evidence to find that the respondent has violated Section 20-99(b)(7) as specified in the Fourth Count. The Board hereby dismisses the charges contained in the Fourth Count.

12. The Fifth Count alleges that the respondent violated Connecticut General Statutes, Section 20-99(b) by diluting, substituting, withdrawing or otherwise altering the controlled substances Demerol and Tylox without properly documenting said acts in the appropriate hospital, medical, patient, or other record(s) while at work.

It was alleged that pursuant to Section 20-99(b), the respondent's conduct failed to conform to the accepted standards of the nursing profession. By her omission of proper documentation, the respondent willfully falsified entries in medical records pertaining to drugs, which constitutes a violation of this section.

The Board determined that on or about December 1984, and subsequent thereto while working as a licensed practical nurse at the New London Convalescent Home, Clark Lane, Waterford, Connecticut, the respondent diluted, substituted, withdrew or otherwise altered the controlled substances Demerol and Tylox without properly documenting said acts in the appropriate hospital, patient, or other record(s). By failing to adequately document the above, the respondent, by her omission, willfully falsified entries in medical records pertaining to drugs. The Board hereby finds that the respondent has violated Section 20-99(b) as specified in the Fifth Count.

14. The Sixth Count alleges that the respondent violated Connecticut General Statutes, Section 20-99(b) by diluting, substituting, withdrawing or otherwise altering the controlled substances Demerol and Tylox without properly documenting said acts in the appropriate hospital, medical, patient, or other record(s) while at work.

It was alleged that pursuant to Section 20-99(b), the respondent, by failing to adequately document said dilution, substitution, withdrawal or other alterations in the appropriate hospital, medical, patient or other record(s), failed to conform to the accepted standards of the nursing profession.

The Board determined that on or about December 1984, and subsequent thereto while working as a licensed practical nurse at the New London Convalescent Home, Clark Lane, Waterford, Connecticut, the respondent diluted, substituted, withdrew or otherwise altered the controlled substances Demerol and Tylox without properly documenting said acts in the appropriate hospital, patient, or other record(s). By failing to adequately document the above, the respondent, by her omission, willfully falsified entries in medical records pertaining to drugs. The Board hereby finds that the respondent has violated Section 20-99(b) as specified in the Sixth Count.

15. The Seventh Count alleges that the respondent violated Connecticut General Statutes, Section 20-99(b)(2) by allowing her licensed practical nurse license to lapse in the period between August 1984 and September 1984. The Seventh Count alleges that by engaging in such conduct, "the respondent failed to conform to the accepted standards of the nursing profession by illegal conduct."

Subsection (2) of Section 20-99(b) forbids "illegal conduct, incompetence or negligence in carrying out usual nursing functions."

The Board determined that while the respondent's license had lapsed during the period between August 1984 and September 1984, such conduct did not constitute a violation of Section 20-99(b)(2) as specified in the Seventh Count. The Board hereby dismisses the charges contained in the Seventh Count.

ORDER

16. It is the unanimous decision of those members of the Board of Examiners for Nursing who were present and voting, that:
 - a. The license of the respondent be revoked determined as follows:
 - i. as to the First Count, license revocation;
 - ii. as to the Second Count, license revocation;
 - iii. as to the Third Count, license revocation;
 - v. as to the Fifth Count, license revocation;
 - vi. as to the Sixth Count, license revocation;
 - b. Therefore, for each of the violations referenced in paragraph (a), the license of the respondent is revoked.
17. The respondent, Nancy E. Small, is hereby directed to surrender her license and current registration to the Board of Examiners for Nursing at 150 Washington Street, Hartford, Connecticut.

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

Dated at *Westerfield*, Connecticut, this *20th* day
of *June*, 19*86*.

BOARD OF EXAMINERS FOR NURSING

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