

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

1984 0521 011 018

IN RE:

Joan James
77 Bidwell Street
Waterbury, Connecticut

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing, (hereafter the "Board"), was presented by the Department of Health Services with a Notice of Hearing and Statement of Charges dated September 20, 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 October 9, 1984 in the State Armory at 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.

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. Joan James, respondent, was at all pertinent times licensed to practice nursing as a practical nurse in Connecticut, with registration number 17039.

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 commencing on or about September 1983 and continuing to March 1984, while employed as a nurse at Waterbury Hospital, on numerous occasions unlawfully administered to herself controlled substances including Demerol and Morphine; abused or excessively used controlled substances; and during March, 1984 on numerous occasions wrongfully diverted controlled substances including Morphine and Demerol and failed to maintain accurate records relating to the administration of controlled substances to patients.

4. The activities referenced in paragraph three (3) were uncovered by Drug Control Agents Henry Z. Karanian and Barbara Deptula, Department of Consumer Protection during an investigation conducted during January through March 1984.

DISCUSSION AND CONCLUSIONS

5. The First Count alleges that the respondent violated provisions of Section 20-99(b) commencing on or about September 1983 and continuing to March 1984, while employed as a nurse at Waterbury Hospital by, on numerous occasions, unlawfully administering controlled substances to herself including Demerol and Morphine.

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

The Board determined commencing on or about September 1983 and continuing to March 1984, while employed as a nurse at Waterbury Hospital, on numerous occasions, unlawfully administered controlled substances to

herself including Demerol and Morphine. Standards of nursing dictate that a nurse administer medications to herself only as prescribed to her by a physician; and controlled substances at the health care agency are administered only to clients according to physician orders.

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) commencing on or about September 1983 and continuing to March 1984 while employed as a nurse at Waterbury Hospital, by abusing or excessively using controlled substances.

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 while employed as a nurse at Waterbury Hospital commencing on or about September 1983 and continuing to March 1984 abused or excessively used controlled substances. This action is contrary to standards of nursing practice.

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) while employed as a nurse at Waterbury Hospital on numerous occasions by diverting controlled substances including Morphine and Demerol.

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 while employed as a nurse at Waterbury Hospital on numerous occasions diverted controlled substances

including Morphine and Demerol. Standards of practice dictate that controlled substances are removed from the medication room for administration only to patients according to physician orders.

8. The Fourth Count alleges that the respondent violated provisions of Section 20-99(b) during March 1984, while employed as a nurse at Waterbury Hospital by failing to maintain accurate records relating to the administration of controlled substances to patients.

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 during March, 1984 while employed as a nurse at Waterbury Hospital failed to maintain accurate records relating to the administration of controlled substances to patients. Standards of Practice for medication administration dictate that controlled substances which are documented as being administered to a patient must be administered as recorded.

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

ORDER

9. 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 two years:
 - i. as to the First Count, one (1) year;
 - ii. as to the Second Count, one (1) year;
 - iii. as to the Third Count, six (6) months;
 - iv. as to the Fourth Count, six (6) months;

- v. Counts One and Two are to run concurrently; Counts Three and Four to run consecutively; Counts One and Two to run consecutively to Counts Three and Four for a total effective minimum suspension of two (2) years.
- vi. The suspension will be immediately stayed with the following stipulations:
1. Engage in counseling, at her own expense, with a licensed therapist.
 2. Reports documenting drug free status and competency to practice nursing be submitted directly from the therapist to the Board of Examiners for Nursing, 150 Washington Street, Hartford, Connecticut 06106 bimonthly during the first year on the last day of each evenly numbered month, and quarterly on the last day of the third, sixth, ninth and twelfth months of the second year of the probation.
 3. Submit to random chemical urine screens, at her own expense, when requested by either employer, therapist or Board.
 4. Immediate Supervisor, if employed as a nurse, remit reports to the Board regarding the ability of the respondent to practice nursing competently and contain a specific evaluation of ability to administer controlled medication if this activity is part of her nursing activities. The reports are to be submitted directly from the supervisor to the Board of Examiners for Nursing, 150 Washington Street, Hartford, Connecticut 06106

bimonthly during the first year on the last day of the evenly numbered months of the probation, and quarterly on the last day of the third, sixth, ninth and twelfth months during the second year of probation.

5. Advise employer of probationary status, and reason for probation.
 6. Board must be notified of place of employment before probation is instituted and before employer is changed during the probationary period. Employment may be changed only with prior approval of the Board.
 7. Non-compliance with any of the above stipulations will result in summary reinstatement of the suspension.
- b. The said period of suspension shall commence on January 1, 1985.
 - c. At the end of the two (2) years disciplinary action specified in (a) the respondent may apply for reinstatement of her license in writing and submit summary documentation from the licensed therapist relative to her psychological health, drug free status and ability to practice nursing competently.

10. The respondent, Joan James, 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 January 1, 1985 unless the Board has been notified by the respondent of her employer and immediate supervisor, in which case she may continue to retain her license under the terms of her probation.

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

Dated at ~~December~~
Hartford, Connecticut, this *20th* day of *December*, 19 *84*

BOARD OF EXAMINERS FOR NURSING

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