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STATE OF CONNECTICUT

BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.

Klya Casanova Hallback, L.P.N., Lic. No. 017389

36 McDonald Street

Plainville, CT 06062

CASE PETITION NO. 891016-11-018

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Statement of Charges dated March 16, 1990.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing dated March 28, 1990. The hearing took place on June 12, 1990, in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she has reviewed the record, and/or was present at the hearing, 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, the Board made the following findings of fact:

1. Kyla Casanova, hereinafter referred to as Respondent, was issued Connecticut Licensed Practical Nurse license number 017389 on May 22, 1978;
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. The Respondent was aware of the time and location of the hearing. Department Exhibit 2 indicates that notice of the location and time of this hearing were delivered by certified mail to the Respondent and the Respondent's counsel.
4. The Respondent, while working as a licensed practical nurse at Forestville Rehabilitation Center, in Forestville, Connecticut, in June, 1989 and subsequent times thereto, diverted the controlled substance Demerol.
5. The Respondent, while working as a licensed practical nurse at Forestville Rehabilitation Center, in Forestville, Connecticut, in June, 1989 and subsequent times thereto, abused or utilized to excess said medication.
6. The Respondent, while working as a licensed practical nurse at Forestville Rehabilitation Center, in Forestville, Connecticut, in June, 1989 and subsequent times thereto, the Respondent, diluted, substituted or otherwise altered the controlled substance Demerol.
7. The Respondent, while working as a licensed practical nurse at Forestville Rehabilitation Center, in Forestville, Connecticut, in June, 1989 and subsequent times thereto, falsified one or more Controlled Substance Receipt Records.

## DISCUSSION AND CONCLUSIONS

The First Count, Subsection 3a, alleges that while employed as a licensed practical nurse at Forestville Rehabilitation Center during June, 1989 and subsequent times thereto, the Respondent diverted the controlled substance Demerol. The Respondent admits this charge (Respondent Exhibit A).

The above referenced conduct is a violation of Connecticut General Statutes Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...." The Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(2), as specified in the First Count, Subsection 3a.

The First Count, Subsection 3b, alleges while employed as a licensed practical nurse at Forestville Rehabilitation Center during June, 1989 and subsequent times thereto, the Respondent abused or utilized to excess said medication. The Respondent admits this charge (Respondent Exhibit A).

The described conduct is a violation of the Connecticut General Statutes Section 20-99(b)(5) which includes: "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...." The Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(5), as specified in the First Count, Subsection 3b.

The First Count, Subsection 3c, alleges while employed as a licensed practical nurse at Forestville Rehabilitation Center during June, 1989 and subsequent times thereto, the Respondent diluted, substituted or otherwise altered the controlled substance Demerol. The Respondent admits this charge (Respondent Exhibit A).

The above referenced conduct is a violation of Connecticut General Statutes Section 20-99(b)(2), which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...." The Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(2), as specified in the First Count, Subsection 3c.

The First Count, Subsection 3d, alleges while employed as a licensed practical nurse at Forestville Rehabilitation Center during June, 1989 and subsequent times thereto, the Respondent falsified one or more Controlled Receipt Records. The Respondent admits this charge (Respondent Exhibit A).

The described conduct is a violation of the Connecticut General Statutes Section 20-99(b)(6) which includes: "... (6) fraud or material deception in the course of professional services or activities." The Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(6), as specified in the First Count, Subsection 3d.

#### ORDER

It is the unanimous decision of those members of the Board of Examiners for Nursing who were present and voting that for each of the following subsections of the First Count, Section 3, Subsections (a), (b), (c), and (d):

1. The license of the Respondent be placed on probation for a minimum of three (3) years as follows:

A. as to the First Count, Subsection 3a, three (3) years probation;

- B. as to the First Count, Subsection 3b, three (3) years probation;
- C. as to the First Count, Subsection 3c, three (3) years probation;
- D. as to the First Count, Subsection 3d, three (3) years probation.

2. If any of the following conditions of probation are not met, the Respondent's license may be immediately revoked.

- A. She shall provide a copy of this Memorandum of Decision to her therapist.
- B. She shall engage in counseling with a licensed or certified therapist at her own expense.
- C. She shall be responsible for bi-monthly reports from her therapist for the all three years of her probation; said reports are due on the first business day after every other month.
- D. She shall be responsible for random urine and/or blood screens for drugs and alcohol at the discretion of her therapist. She shall be responsible for notifying the laboratory and her therapist of any drug(s) she is taking. There must be at least one such drug and alcohol screen bi-monthly for all three years of probation. Said reports shall be negative for drugs and alcohol.
- E. Said reports cited in (C), and (D) above, shall include documentation of dates of treatment, an evaluation of her progress and drug and alcohol free status, and

copies of all the laboratory reports. Said reports shall be issued to the Board at the address cited in paragraph (M) below.

- F. She shall provide a copy of this Memorandum of Decision to her employer.
- G. She shall not accept employment as a nurse for a personnel provider service for the period of her probation.
- H. She shall be responsible for the provision of bi-monthly employer reports from her nursing supervisor (i.e. Director of Nursing) due on the first business day after every other month for all three years of her employment during the period of probation.
- I. Said reports cited in (H) above, shall include documentation of her ability to safely and competently practice nursing. Said reports shall be issued to the Board at the address listed in paragraph (M) below.
- J. She shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her for a legitimate purpose by a licensed health care practitioner.
- K. The Connecticut Board of Examiners for Nursing must be informed prior to any change of employment.
- L. The Connecticut Board of Examiners for Nursing must be informed prior to change of address.

M. All correspondence and reports are to be addressed to:

Office of the Board of Examiners for Nursing  
Department of Health Services  
150 Washington Street  
Hartford, CT 06106

3. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing shall constitute a violation of probation. A violation of any term(s) of probation shall result in the right of the Connecticut Board of Examiners for Nursing to immediately revoke or take other disciplinary action as cited in Connecticut General Statutes Section 19a-17 against her nursing license. Any extension or time of grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to her address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Health Services or the Connecticut Board of Examiners for Nursing).

4. The date of this period of probation shall commence on November 1, 1990.

The Board of Examiners for Nursing hereby informs the Respondent and the Department of Health Services of the State of Connecticut of this decision.

Dated at *Milford*, Connecticut, this *11<sup>th</sup>* day of *September*, 1990.

BOARD OF EXAMINERS FOR NURSING

BY *William M. Murphy R.N.*

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