

STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

Department of Public Health v.

Kathleen Keenan, L.P.N.

Licensed Practical Nurse License No. 018734

35 Tamanny Trail

Danbury, Connecticut 06811

CASE PETITION NO. 950417-11-010

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services <sup>1/</sup> (hereinafter the "Department") with a Statement of Charges dated June 26, 1995 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Kathleen Keenan (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated July 12, 1995 scheduling a hearing for November 29, 1995 (Department Exhibit 1). The hearing took place on November 29, 1995 at the Legislative Office Building, Room 2A, Capitol Avenue, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's professional knowledge in evaluating the evidence.

<sup>1/</sup> Prior to July 1, 1995 the Department of Public Health was known as the Department of Public Health and Addiction Services. (Connecticut Public Act No. 95-257)

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Kathleen Keenan, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 018734 on May 28, 1980 and was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1-E)
2. Pursuant to the General Statutes of Connecticut, §4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all lawful requirements for the retention of her license. (Department Exhibit 2)
3. The Respondent was given due notice of the hearing and the charges against her. Department Exhibit 1 indicates the Notice of Hearing and Statement of Charges were delivered to the Respondent by certified mail.
4. The Respondent was present during the hearing but was not represented by counsel. (Hearing Transcript, November 29, 1995, p. 2).
5. The Respondent submitted a written answer to the Statement of Charges. ( Respondent's Exhibit A)
6. For approximately three (3) years inclusive of October and November 1994, the Respondent was employed as a licensed practical nurse at the office of Kenneth Blau, M.D. and Patricia Whitcombe, M.D., Danbury, Connecticut.
7. On or about October 25, 1994, while working as a licensed practical nurse in the office of Kenneth Blau, M.D., the Respondent, without the authorization of Dr. Blau, telephoned a prescription to the Liggett Rexall Drug Store, Danbury, Connecticut for thirty (30) Tylenol with Codeine #3 indicating the prescription was for her own use as ordered by Dr. Blau. (Department Exhibit 1) (Answer: Respondent's Exhibit A)

8. On or about November 21, 1994, while working as a licensed practical nurse in the office of Kenneth Blau, M.D., the Respondent, without the authorization of Dr. Blau, telephoned a prescription to the CVS Pharmacy, Southbury, Connecticut for thirty (30) Tylenol with Codeine #3 indicating the prescription was for her own use as ordered by Dr. Blau. (Department Exhibit 1) (Answer: Respondent's Exhibit A)
  
9. The Respondent obtained the medications, for which she made the telephone prescriptions, for the purpose of medicating herself due to back pain. (Department Exhibit 1) (Hearing Transcript, November 29, 1995, p. 13)

### DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Kathleen Keenan held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177 and §4-182.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

PARAGRAPH 2 of the Statement of Charges alleges that on or about October 25, 1994, while working as a licensed practical nurse at the office of Kenneth Blau, M.D., Danbury, Connecticut, the Respondent ordered thirty (30) Tylenol with Codeine #3 for her own use, using Dr. Blau's name, by calling in a telephone prescription to the Liggett Rexall Pharmacy, Danbury, Connecticut.

PARAGRAPH 3 of the Statement of Charges alleges that on or about November 21, 1994, while working as a licensed practical nurse at the office of Kenneth Blau, M.D., Danbury, Connecticut, the Respondent ordered thirty (30) Tylenol with Codeine #3 for her own use, using Dr. Blau's name, by calling in a telephone prescription to the CVS Pharmacy, Southbury, Connecticut.

The Respondent admits the charges in Paragraphs 2 and 3. (Answer: Respondent's Exhibit A)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals... (6) fraud or material deception in the in the course of professional services or activities...."

Based on its findings and the Respondent's admissions the Board concludes that the Respondent's conduct of telephoning fraudulent prescriptions to pharmacies, as specified in Paragraphs 2 and 3, is proven and are violations of the General Statutes of Connecticut §20-99(b)(2) and (6). The Board further concludes that the Respondent's use of the Tylenol with Codeine #3, which was not legitimately prescribed for her, constitutes abuse of controlled substances and is a violation of the General Statutes of Connecticut §20-99(b)(5). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

### ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. For Paragraph 2 and Paragraph 3 of the Statement of Charges, the Respondent's Licensed Practical Nurse License, No. 018734, is revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs the Respondent, Kathleen Keenan, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 7th day of February, 1996

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, appearing to read "Nancy S. Beland", written over a horizontal line.

1791Q