

MAY 16 1983

1981 1106 011036

STATE OF CONNECTICUT

BOARD OF EXAMINERS FOR NURSING

IN RE:

JOAN MC CORMICK, L.P.N.  
c/o R. Borden  
255 North Main Street  
Apt. 403  
Waterbury, Connecticut 06708

MEMORANDUM OF DECISION

The Board of Examiners for Nursing was presented by the Department of Health Services with a Notice of Hearing and Statement of Charges dated November 9, 1982, and November 10, 1982, respectively.

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 November 30, 1982, in the Department of Health Services, 79 Elm 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

1. Pursuant to Connecticut General Statutes, § 4-182(c) the respondent, Joan McCormick, 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 to practice nursing, i.e., registration number E-18973.

2. On or about September 1, 1981, and continuing through on or about October 15, 1981, the respondent practiced as a licensed practical nurse at Waterbury Convalescent Home, Waterbury, Connecticut, during which time her license to do so had not been renewed, and was not current.

3. During the period set forth above, the respondent, while employed at Waterbury Convalescent Home:

a. unlawfully diverted controlled substances, including Levo-Dromoran, Darvon Compound, Dalmane and Tylox.

b. unlawfully and wilfully adulterated Levo-Dromoran, a liquid controlled substance, by withdrawing same from containers and replacing it with bacteriostatic water.

c. unlawfully and wilfully adulterated Darvon Compound, a controlled substance, by replacing the content of Darvon Compound Capsules with Tylenol powder.

d. unlawfully and wilfully falsified entries concerning the disposition and use of controlled substances, including Levo-Dromoran.

#### DISCUSSION

4. The First Count alleges that the respondent violated Section 20-99(b) by practicing as a licensed practical nurse while her license to do so had not been renewed:

In pertinent part, Section 20-99(b) forbids:

(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions.

The inescapable conclusion to draw from the facts found by the Board is that the respondent has violated Section 20-99(b) as specified in the First Count.

5. The Second Count alleges that the respondent violated Section 20-99(b) by unlawfully diverting controlled substances including Levo-Dromoran, Darvon Compound, Dalmane and Tylox.

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.

The inescapable conclusion to draw from the facts found by the Board is that the respondent has violated Section 20-99(b) as specified in the Second Count.

6. The Third Count alleges that the respondent violated Section 20-99(b) by unlawfully adulterating liquid controlled substances including Levo-Dromoran by withdrawing the contents and replacing it with bacteriostatic water.

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.

The inescapable conclusion to draw from the facts found by the Board is that the respondent has violated Section 20-99(b) as specified in the Third Count.

7. The Fourth Count alleges that the respondent violated Section 20-99(b) by unlawfully and wilfully adulterating controlled substances including Darvon Compound by replacing the contents of capsules with Tylenol powder.

In pertinent part, Section 20-99() 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.

The inescapable conclusion to draw from the facts found by the Board is that the respondent has violated Section 20-99(b) as specified in the Fourth Count.

8. The Fifth Count alleges that the respondent violate Section 20-99(b) by unlawfully and wilfully falsifying entries concerning the disposition and use of controlled substances, including Levo-Dromoran.

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.

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 (2) years determined as follows:

i. as to the First Count, suspension for a period of three months;

ii. as to the Second Count, suspension for a period of twelve months;

iii. as to each of the Third, Fourth and Fifth Counts, suspension for a period of six months.

10. a. The periods of suspension with respect to the Second, Third and Fourth Counts shall run consecutively with each other for an effective suspension period of twenty-four months as to these counts.

b. The periods of suspension with respect to the First and Fifth Counts shall run consecutively with each other for an effective suspension period of nine months as to these counts. This effective suspension period will run concurrently with the effective suspension period referenced in subsection (a) above.

c. The total effective period of suspension shall be twenty-four months, commencing May 20, 1983.

11. The respondent, Joan McCormick, is hereby directed to surrender her license and current registration to the Board of Examiners for Nursing, 79 Elm Street, Room 104, Hartford, Connecticut 06106 by May 20, 1983.

12. The Board of Examiners for Nursing herewith advises the Department of Health Services of the State of Connecticut of this decision that the registration license of Joan McCormick be suspended in accordance herewith.

Dated at *Hartford*, Connecticut this *12<sup>th</sup>* day of *May*, 1983.

BOARD OF EXAMINERS FOR NURSING

By: *Bette Jane M. Murphy, R.N.*  
BETTE JANE M. MURPHY, R.N.  
Chairman