

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health and Addiction Services v.

Patricia Kowalski, L.P.N.

Licensed Practical Nurse License No. 019220

27 Broad Street

Middletown, Connecticut 06457

CASE PETITION NO. 930310-11-008

**MEMORANDUM OF DECISION**

**INTRODUCTION**

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services (hereinafter the "Department") with a Statement of Charges dated May 10, 1994. (Department Exhibit 1) The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Patricia Kowalski (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated May 25, 1994 scheduling a hearing for October 26, 1994. The hearing took place on October 26, 1994 in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. (Department Exhibit 1)

During the hearing the Department verbally amended the Statement of Charges by withdrawing paragraph 7a.

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.

**FACTS**

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

1. Patricia Kowalski, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 019220 on June 3, 1981. (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 the terms for the retention of her license. (Department Exhibit 1) (Hearing Transcript October 26, 1994, p.5)
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered to the Respondent by certified mail.
4. The Respondent was not present during the hearing and was not represented by counsel. The Respondent did not file an answer to the Statement of Charges. (Hearing Transcript, October 26, 1994, pp. 2-3, 10)
5. Pursuant to a Consent Order dated January 30, 1986 the licensed practical nurse license of the Respondent was suspended, effective February 1, 1986, for the diversion, abuse and excessive use of controlled substances; for forging a prescription for a controlled substance; and for providing care to patients which failed to conform to the accepted standards of the nursing profession. (Department Exhibit 1-A)

6. Pursuant to Memorandum of Decision on Reinstatement Request dated March 25, 1992 the Respondent's licensed practical nurse license was reinstated to five (5) years probation, with conditions, effective April 1, 1992. (Department Exhibit 1-B)
7. For approximately two weeks on or about late November and early December 1992 the Respondent abused the controlled substance Percocet which had been prescribed to her by her physician. (Department Exhibit 1-C)

### DISCUSSION AND CONCLUSIONS

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

Patricia Kowalski is the holder of a valid licensed practical nurse license in the State of Connecticut.

The Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut Section 4-177 and Section 4-182.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as Section 19-2a-1 through Section 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 Section 4-182(c).

The Statement of Charges alleges that the Respondent violated the terms of probation as set forth in the Memorandum of Decision on Reinstatement Request which was effective on April 1, 1992, and violated the General Statutes of Connecticut Section 20-99(b) in that for approximately two (2) weeks in late November and early December 1992 the Respondent abused narcotic pain medication which had been prescribed to her.

The Respondent did not file an answer to the Statement of Charges, therefore the Board deems these charges admitted.

The General Statutes of Connecticut Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on its findings the Board concludes that the Respondent's conduct as specified in the Statement of Charges is proven and that said conduct violates the General Statutes of Connecticut Section 20-99(b)(5) and violates the terms of probation as set forth in the Memorandum of Decision on Reinstatement Request dated March 25, 1992. Therefore, the Respondent is subject to disciplinary action pursuant to Section 19a-17 of the General Statutes of Connecticut.

**ORDER**

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

1. That the Respondent's licensed practical nurse license, No. 019220, be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Chairperson of the Board of Examiners for Nursing.

The Respondent, Patricia Kowalski, is hereby directed to immediately surrender Licensed Practical Nurse License No. 019220 to the Board of Examiners for Nursing, Department of Public Health and Addiction Services, 150 Washington Street, Hartford, Connecticut 06106.

The Board of Examiners for Nursing hereby informs the Respondent, Patricia Kowalski and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 22nd day of March, 1995.

BOARD OF EXAMINERS FOR NURSING

0576Q

By

