

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

Department of Public Health and Addiction Services v.

Kathleen Stoneburner, LPN

License No. 019540

110-B Victoria Road

Hartford CT 06114

CASE PETITION NO. 930303-11-005

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 September 22, 1993.

The Statement of Charges alleged in one (1) count, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Kathleen Stoneburner (hereinafter the "Respondent").

Based on the allegations in the Statement of Charges the Board found that the continued nursing practice of the Respondent represented a clear and immediate danger to the public health and safety. Therefore, the Board ordered the Summary Suspension of the Respondent's nursing license.

The Board issued a Notice of Hearing dated September 23, 1993, scheduling a hearing for October 6, 1993. (Department Exhibit 1) The hearing took place on October 6, 1993 in Room 2-A of the Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

All members of the Board involved in this decision attest that they were present at the hearing or have reviewed the record, 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. Kathleen Stoneburner, hereinafter referred to as the Respondent, was at all times referenced in the Statement of Charges the holder of Licensed Practical Nurse License Number 019540. (Hearing Transcript, October 6, 1993, p. 9)
2. The Respondent was aware of the time and location of the hearing. The Summary Suspension Order, the Notice of Hearing and Statement of Charges were delivered by Deputy Sheriff to the Respondent. (Department Exhibits 1 and 2)
3. The Respondent was present at the hearing and was represented by counsel. (Hearing Transcript, October 6, 1993, pp. 2, 48)
4. The Respondent provided a verbal Answer to the Statement of Charges. (Hearing Transcript, October 6, 1993, p. 9)
5. That pursuant to a Memorandum of Decision dated April 23, 1992 the licensed practical nurse license of the Respondent was placed on probation for a period of three (3) years effective June 15, 1992 due to abuse or excessive use of alcohol and/or cocaine and for failing to report for duty or failing to report her absence from duty. (Department Exhibit 3)
6. That the probation of the Respondent's licensed practical nurse license included the following conditions: (Department Exhibit 1)

- A) That the Respondent must notify the Board, in writing, prior to any change of employment.
 - B) That should the Respondent change employment at any time during the probationary period, she shall provide a copy of the April 23, 1992 Memorandum of Decision to her employer and said employer shall notify the Board in writing, within thirty (30) days, as to receipt of a copy of the Memorandum of Decision.
 - C) That the Respondent shall be responsible for bi-monthly employer reports, documenting her ability to safely and competently practice nursing, to be submitted to the Board from her nursing supervisor. That said reports are due on the first business day of January, March, May, July, September and November.
 - D) That the Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency for the period of her probation.
 - E) That the Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period and that said screens shall be negative for the presence of alcohol and drugs.
7. That on or about February 1993 the Respondent's employment at Buckley Convalescent Home, Hartford, Connecticut was terminated. (Department Exhibit 4) (Hearing Transcript, October 6, 1993, pp. 21-22, 59, 67-68)
8. That on April 10, 11, 14 and 26, 1993 the Respondent was employed and worked for Health Resources, a home health care agency. (Department Exhibit 6)
9. That the Respondent did not inform Health Resources that her licensed practical nurse license was on probation. (Department Exhibit 6)

10. That the Respondent did not inform the Board of her employment with Health Resources. (Hearing Transcript, October 6, 1993, pp. 21-22, 58-59)
11. That the Respondent began employment as a licensed practical nurse at Care Manor of Farmington, Farmington, Connecticut on or about April 24, 1993. (Hearing Transcript, October 6, 1993, pp. 41, 46)
12. That the Respondent did not inform Care Manor of Farmington until on or about August 3, 1993 that her licensed practical nurse license was on probation. (Hearing Transcript, October 6, 1993, pp. 42-48, 58)
13. That the Respondent did not inform the Board of her employment with Care Manor of Farmington until August 1993. (Department Exhibit 4) (Hearing Transcript, October 6, 1993, pp. 57-58)
14. That subsequent to the Respondent's employment as a licensed practical nurse with Care Manor of Farmington on or about April 24, 1993 (FACT 11) a bi-monthly employer report was not received by the Board until August 25, 1993. (Department Exhibit 5)
15. That on August 10, 1993 the Respondent submitted a urine specimen for testing for the presence of alcohol and/or drugs. (Department Exhibit 7) (Hearing Transcript, October 6, 1993, p. 49)
16. That the Respondent's urine specimen submitted for alcohol/drug screening on August 10, 1993 was positive for the presence of Normeperidine. (Department Exhibit 7) (Hearing Transcript, October 6, 1993, pp. 20-21, 22-34)
17. That Normeperidine is a metabolite of the controlled substance Meperidine. (Hearing Transcript, October 6, 1993, p. 21)

DISCUSSION AND CONCLUSIONS

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

Kathleen Stoneburner 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 sufficiently provided information as mandated by sections 4-177, 4-182 and 19a-17 of the Connecticut General Statutes.

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 Section 4-182(c).

The FIRST COUNT PARAGRAPH 3 of the Statement of Charges alleges that the Respondent, while her licensed practical nurse license was on probation pursuant to an April 23, 1992 Memorandum of Decision, failed to comply with the conditions of her probation in the following respects:

- "a. she failed to provide a copy of the Memorandum of Decision to her employer when she changed employment; and/or
- b. she failed to have her new employer notify the Connecticut Board of Examiners for Nursing in writing of her new employment, within 30 days; and/or
- c. she failed to have bi-monthly employer reports from her nursing supervisor submitted to the Connecticut Board of Examiners for Nursing including documentation of her safe and competent nursing practice; and/or
- d. she failed to inform the Connecticut Board of Examiners for Nursing in writing of her new employer, prior to beginning the employment; and/or
- e. she accepted employment as a nurse for a personnel provider service, visiting nurse association or home health care agency; and/or
- f. she had a positive random screen for alcohol and drugs."

The Respondent admits to Paragraphs 3a, 3b, 3c, 3d and 3e and denies Paragraph 3f. (Answer: Hearing Transcript, October 6, 1993, p. 9)

Based on the Respondent's admission and FACTS 5-14 the Board concludes that the conduct specified in Paragraphs 3a, 3b, 3c, 3d and 3e is proven.

With regard to Paragraph 3f, the Respondent offered testimony (Hearing Transcript, October 6, 1993, pp. 49-53, 65) and presented evidence (Respondent Exhibits C and D) claiming to have an allergy to Demerol and therefore would not have taken any Demerol which would account for the August 10, 1993 urine alcohol/drug screen to be positive. Despite her claim of an allergy to Demerol the Respondent completed a Pre-Employment Physical Examination questionnaire (Department Exhibit 8) in which she explicitly indicated she had "No" allergies or unusual reactions to medications.

The Board finds that the Respondent's claim of an allergy to Demerol is not convincing.

Based on its findings (FACTS 15-17) the Board concludes that the conduct specified in Paragraph 3f is proven.

Section 20-99(b) of the Connecticut General Statutes prohibits conduct which fails to conform to the accepted standards of the nursing profession.

The Board concludes that the Respondent failed to comply with the conditions of probation of her licensed practical nurse license as specified in the First Count Paragraphs 3a, 3b, 3c, 3d, 3e and 3f, and that her conduct of failing to comply with the conditions of her probation is conduct which fails to conform to the accepted standards of the nursing profession. Therefore, the Respondent is subject to disciplinary action pursuant to sections 20-99 and 19a-7 of the Connecticut General Statutes.

ORDER

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

1. That for the FIRST COUNT PARAGRAPH 3a the Respondent's practical nurse license No. 019540, be revoked.
2. That for the FIRST COUNT PARAGRAPH 3b the Respondent's practical nurse license No. 019540, be revoked.
3. That for the FIRST COUNT PARAGRAPH 3c the Respondent's practical nurse license No. 019540, be revoked.
4. That for the FIRST COUNT PARAGRAPH 3d the Respondent's practical nurse license No. 019540, be revoked.
5. That for the FIRST COUNT PARAGRAPH 3e the Respondent's practical nurse license No. 019540, be revoked.
6. That for the FIRST COUNT PARAGRAPH 3f the Respondent's practical nurse license No. 019540, be revoked.
7. This Memorandum of Decision and the date of revocation shall become effective on the date it is signed by the Chairperson of the Board of Examiners for Nursing.

The Board of Examiners for Nursing finds the misconduct specified in the First Count Paragraphs 3a, 3b, 3c, 3d, 3e and 3f is severable and each specific offense warrants the disciplinary action imposed.

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

Dated at Hartford, Connecticut, this 10th day of March, 1994.

BOARD OF EXAMINERS FOR NURSING

By

Janice Thibodeau

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