

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health v.

Sara Messina, LPN

Licensed Practical Nurse No. 020818

115 Goose Hill Road

Chester, CT 06412

CASE PETITION NO. 950518-11-014

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services ^{1/} (hereinafter the "Department") with an Interim Consent Order executed by Sara Messina (hereinafter the "Respondent") and the Department. The Interim Consent Order provided for the Licensed Practical Nurse License of the Respondent to be suspended for a period of ninety (90) days pending a resolution of allegations by the Department that the Respondent engaged in conduct which fails to conform to the accepted standards of the nursing profession. The Interim Consent Order was accepted by the Board on June 28, 1995. (Department Exhibit 1)

On September 27, 1995 the Department presented to the Board a Statement of Charges and Motion for Summary Suspension dated September 26, 1995. (Department Exhibit 1) The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by the Respondent.

^{1/} 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)

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent represented a clear and immediate danger to public health and safety. The Board ordered, pursuant to its authority under §19a-17(c) of the General Statutes of Connecticut, that the licensed practical nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges (Department Exhibit 1).

The Board issued a Notice of Hearing dated September 27, 1995 scheduling a hearing for October 17, 1995 (Department Exhibit 1). The hearing took place on October 17, 1995 in Room 2-A, Legislative Office Building, 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 and the Board's specialized professional knowledge in evaluating the evidence.

FACTS

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

1. Sara Messina, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 020818 on May 30, 1984 and was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1, p. 3)
2. The Respondent was given due notice of the hearing and the charges against her. Department Exhibit 1 indicates that Motion for Summary Suspension, Summary Suspension Order, Statement of Charges, Notice of Hearing, Licensure Affidavit and Supporting Documents were served on the Respondent by Deputy Sheriff on October 2, 1995.
3. The Respondent was not present during the hearing and was not represented by counsel. (Hearing Transcript, October 17, 1995, p. 3)

4. Beginning on or about 1994 the Respondent was employed as a licensed practical nurse at Chesterfield Convalescent Home, Chester, Connecticut. (Department Exhibit 2, pp. 2, 6)
5. On or about December 1994 and January 1995, while working as a licensed practical nurse at Chesterfield Convalescent Home, the Respondent diverted for her own personal use the controlled substances Percocet, Vicodin, and Morphine Sulfate. (Department Exhibit 2)
6. On or about December 1994 and January 1995 while working as a licensed practical nurse at Chesterfield Convalescent Home, the Respondent falsified controlled substance records by indicating that the Percocet, Vicodin, and Morphine Sulfate which she had diverted for her own use had been administered to patients. (Department Exhibit 2)
7. The Respondent abused and/or utilized to excess, the controlled substances Percocet, Vicodin, and Morphine Sulfate which she diverted from Chesterfield Convalescent Home because of back pain and stress in her personal life. (Department Exhibit 2, p. 6)

DISCUSSION AND CONCLUSIONS

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

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

The Summary Suspension Order, Notice of Hearing and Statement of Charges sufficiently provided legal notice as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17.

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 3 of the Statement of Charges alleges that during December 1994 and January 1995 while working as a licensed practical nurse at Chesterfield Convalescent Home, Chester, Connecticut the Respondent:

- "a. diverted Percocet, Vicodin and/or morphine sulfate;
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
- c. falsified one or more Controlled Substance Receipt Records."

Paragraph 4 of the Statement of Charges alleges that on or about December 1994 and January of 1995 the Respondent abused or utilized to excess, the controlled substance Percocet, Vicodin and/or Morphine Sulfate.

The Respondent was not present at the hearing to answer these charges, therefore the Board deems these charges admitted.

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 course of professional services or activities...."

Based on its findings, the Board concludes that the Respondent's conduct as alleged in Paragraphs 3 and 4 of the Statement of Charges is proven and that said conduct violates the General Statutes of Connecticut §20-99(b)(2), (5) and (6). 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. That for Paragraphs 3 and 4 of the Statement of Charges the Respondent's licensed practical nurse license, No. 020818, be 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, Sara Messina, 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 "Janet S. Befunda", written over a horizontal line.

1693Q