

Linda Hill
74 Main Street North
Building 2, #104
Woodbury, CT 06798

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

Department of Public Health

Petition No. 991117-011-037

vs.

Linda Hill, LPN, Lic. No. 021641
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated February 7, 2000 (Dept. Exh. 3). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Linda Hill (hereinafter "respondent") which would subject respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of respondent presented a clear and immediate danger to public health and safety. On February 16, 2000, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Licensed Practical Nurse license of respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 3.

The Board issued a Notice of Hearing dated February 16, 2000, scheduling a hearing for March 1, 2000. Dept. Exh. 3.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 3 indicates that the Summary Suspension Order, Notice of Hearing and Statement of Charges were served on the respondent by a deputy sheriff on February 27, 2000.

The hearing began on March 1, 2000, during which the respondent requested a continuance (Transcript, March 1, 2000, p. 5). The hearing was rescheduled and took place on June 21, 2000, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Respondent was present during the hearing but was not represented by counsel. Transcript, June 21, 2000, pp.14-15.

During the hearing, respondent orally answered the Statement of Charges. Transcript, June 21, 2000, pp. 9-11.

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 specialized professional knowledge in evaluating the evidence.

Findings of Fact

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

1. Respondent was issued Registered Nurse License Number 021641 on June 2, 1986. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 2-C.
2. During 1998 and 1999, respondent was employed as a registered nurse at Licensed Practical Nurse at Shady Knoll Health Care Center, Seymour, Connecticut. Dept. Exh. 2-B.
3. From on or about May 1999 to October 1999, while working as a Licensed Practical Nurse at Shady Knoll Health Care Center, respondent diverted from patient stock for her own personal use the controlled substances Percocet, Vicodin-Tuss Syrup, Darvocet-N-100 and Tylenol with Codeine No. 3. Dept. Exh. 2-B; Transcript, June 21, 2000, p. 10.
4. Respondent accomplished the diversion of controlled substances by falsifying controlled substance receipt records. Respondent signed out doses of medications indicating administration to patients but kept the medications for herself. Dept. Exh. 2-B.
5. From on or about May 1999 to October 1999, respondent abused or excessively used the controlled substances Percocet, Vicodin-Tuss Syrup, Darvocet-N-100 and Tylenol with Codeine No. 3. Transcript, June 21, 2000, p. 10.
6. Respondent's abuse of the controlled substances Percocet, Vicodin-Tuss Syrup, Darvocet-N-100 and Tylenol with Codeine No. 3 does and/or may affect her practice as a licensed practical nurse. Transcript, June 21, 2000, p. 10.
7. From on or about October 22, 1999 through November 19, 1999, respondent participated in an intensive outpatient chemical dependency treatment program at The Institute of Living, Hartford, Connecticut. Respondent's Exh. 1 (under seal).
8. Since November of 1999, respondent has been participating in Alcoholics Anonymous, the support group Nurses for Nurses, and she has the support of a sponsor. Transcript, June 21, 2000, p. 13.

Conclusions of Law and Discussion

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

Respondent 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 provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided 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).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 3 of the Statement of Charges alleges that from on or about May 1999 to October 1999, while working as a Licensed Practical Nurse at Shady Knoll Health Care Center, Seymour, Connecticut, respondent:

- a. diverted Percocet, Vicodin-Tuss Syrup, Darvocet-N-100 and Tylenol with Codeine No. 3.;
- 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 from May 1999 to October 1999, respondent abused or excessively used Percocet, Vicodin-Tuss Syrup, Darvocet-N-100 and Tylenol with Codeine No. 3.

PARAGRAPH 5 of the Statement of Charges alleges that respondent's abuse of Percocet, Vicodin-Tuss Syrup, Darvocet-N-100 and Tylenol with Codeine No. 3 does, and/or may affect her practice as a licensed practical nurse.

Respondent admits the charges in Paragraphs 3, 4 and 5 of the Statement of Charges. Transcript, June 21, 2000, pp. 9-11.

The General Statutes of Connecticut §20-99 provides in relevant part:

- (a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17 . . . (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (2) illegal conduct, incompetence or negligence in performing 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 and respondent's admissions, the Board concludes that respondent's conduct as alleged in Paragraphs 3, 4, and 5 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2)(5) and (6). Therefore, respondent's Licensed Practical Nurse license 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 the Summary Suspension of respondent's Licensed Practical Nurse License No. 021641, ordered on February 16, 2000, is vacated on the effective date of this Memorandum of Decision.
2. That for Paragraphs 3, 4 and 5 of the Statement of Charges, respondent's Licensed Practical Nurse License, No. 021641, is placed on probation for a period of four (4) years.
3. If any of the following conditions of probation are not met, respondent's Licensed Practical Nurse License may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - A. During the period of probation the Board shall pre-approve respondent's employment or change of employment within the nursing profession.
 - B. Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
 - C. Respondent shall not administer, count or have access to controlled substances, or have responsibility for such activities in the course of nursing duties during the first year of working as a nurse during the probationary period.
 - D. If employed as a nurse, respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period. Employer reports shall commence with the report due on the first business day of the month following employment as nurse.

- E. The employer reports cited in Paragraph D above shall include documentation of respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph Q below.
- F. Should respondent's employment as a nurse be involuntarily terminated, respondent and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
- G. If respondent pursues further training in any subject area that is regulated by the Department, respondent shall provide copy of this Memorandum of Decision to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department in writing as to receipt of a copy of this Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph Q below.
- H. At her expense, respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist, approved by the Board and the Department, during the entire period of probation.
- I. Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- J. Respondent shall cause monthly evaluation reports to be submitted to the Board by her therapist during the entire probationary period. Therapist reports are due commencing with the report due on the first business day of December, 2000.
- K. The therapist reports cited in Paragraph J above shall include documentation of dates of treatment, and an evaluation of respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph Q below.
- L. At her expense, respondent shall be responsible for submitting to observed random chain of custody urine and/or blood screens for alcohol and drugs for the entire probationary period, at a testing facility approved by the Board, after consultation with the Department, as ordered by her therapist, and/or personal physician, and/or employer. Alcohol/drug screening may also be ordered by the Board of Examiners for Nursing to ensure compliance with this Order. Random alcohol/drug screens shall be legally defensible in that specimen donor and chain of custody can be

identified throughout the screening process. Respondent shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she is taking.

(1) There must be at least two (2) such random alcohol/drug screen monthly during the first, second and fourth years of the probationary period. There must be at least one (1) such random alcohol/drug screen monthly during the third year of the probationary period.

(2) Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

(3) Random alcohol/drug screens must include testing for the following substances:

Amphetamines	Methadone
Barbiturates	Methaqualone
Benzodiazepines	Opiates (Metabolites)
Cannabinoids (THC Metabolites)	Phencyclidine (PCP)
Cocaine	Propoxyphene
Meperidine (Demerol)	Ethanol (alcohol)

(4) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Board and the Department, at the address cited in Paragraph Q below, by respondent's therapist, personal physician or the testing laboratory.

- M. Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications. Respondent shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.
- N. Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substance containing poppy seeds should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.
- O. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment
- P. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.

Q. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, RN, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
Board of Examiners For Nursing
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford CT 06134-0308

4. Any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, shall constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take subsequent action. The Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to respondent's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).
5. This Memorandum of Decision becomes effective, and the four (4) year probation of respondent's Licensed Practical Nurse license shall commence, on date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, Linda Hill, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 1st day of November, 2000.

BOARD OF EXAMINERS FOR NURSING

By 

CERTIFICATION

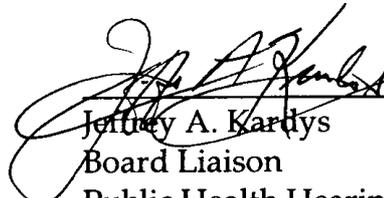
I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 1st day of November 2000, by certified mail, return receipt requested, and first class mail to:

Linda Hill
74 Main Street North, Building 2- #104
Woodbury, CT 06798

Certified Mail 70993400001442537369

and by Inter-Departmental Mail to:

Stanley K. Peck, Director
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134-0308


Jeffrey A. Kardys
Board Liaison
Public Health Hearing Office