CERTIFIED RETURN RECEIPT REQUESTED NO. P049595009

Rec'd 4/5/94 JS

STATE OF CONNECTICUT

BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

Regina Bujnowski, L.P.N.

Licensed Practical Nurse License No. 021709

75 North Street, Apt. 322

New Britain CT 06051

CASE PETITION NO. 930616-11-027

930916-11-036

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 and Motion for Summary Suspension dated September 22, 1993.

The Statement of Charges alleged, in two (2) counts, violations of certain provisions of Chapter 378 of the Connecticut General Statutes by Regina Bujnowski (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 public health and safety.

The Board ordered the Summary Suspension of the Respondent's nursing license, and issued a Notice of Hearing dated September 23, 1993. (Department Exhibit 1) The hearing originally scheduled for October 6, 1993 was continued and took place on January 13, 1994 in Room 2-B, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. (Hearing Transcript, January 13, 1994, pp. 9-10)

Each member of the Board involved in this decision attests that he/she was present at the hearing or have reviewed the record, and that this decision is based entirely on the record and his/her 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. Regina Bujnowski, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 021709 on May 17, 1974 and was at all times referred to in the Statement of Charges the holder of said license. (Department Exhibit 1)

2. The Respondent was aware of the time and location of the hearing. Notice of Continuance of Formal Hearing was delivered to the Respondent's address of record by certified mail. (Department Exhibit 2)

3. The Respondent was not present at the hearing and was not represented by counsel. (Hearing Transcript, January 13, 1994, pp. 2, 9-10)

4. That pursuant to a Consent Order dated June 12, 1990 the licensed practical nurse license of the Respondent was suspended for one (1) year with concurrent probation for three (3) years, effective July 1, 1990. (Department Exhibit 1) (Hearing Transcript, January 13, 1994, p.7)

5. That the probation of the Respondent's licensed practical nurse license included the condition that alcohol/drug screen reports and therapist reports were to be submitted to the Board on a bi-monthly basis. (Department Exhibit 1) (Hearing Transcript, January 13, 1994, p. 7)

6. That while the Respondent's licensed practical nurse license was on probation, bi-monthly therapist reports which were due on November 1, 1992; January 1, 1993; March 1, 1993 and May 1, 1993 were not received by the Board. (Department Exhibit 1) (Hearing Transcript, January 13, 1994, p. 7)

7. That while the Respondent's licensed practical nurse license was on probation, bi-monthly reports of alcohol/drug screens which were due on November 1, 1992; May 1, 1993 and July 1, 1993 were not received by the Board. (Department Exhibit 1) (Hearing Transcript, January 13, 1994, p. 7)

8. That during June and July 1993 the Respondent obtained the controlled substance Darvocet-N-100 by use of prescriptions which she had forged on prescription blanks of Jonathan Ballon, M.D. (Department Exhibits 1 and 3)

DISCUSSION AND CONCLUSIONS

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

Regina Bujnowski 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 information as mandated by Sections 4-177 and 4-182 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 Sections 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 Section 4-182(c) of the Connecticut General Statutes.

The FIRST COUNT of the Statement of Charges alleges that while her licensed practical nurse license was on probation, the Respondent violated the terms of her probation by failing to file probationary reports which were due on November 1, 1992; January 1, 1993; March 1, 1993 and May 1, 1993.

The Respondent was not present at the hearing to answer to this charge. (Hearing Transcript, January 13, 1994, pp. 2, 9-10)

The Board concludes that the Respondent's conduct of failing to file probationary reports, as specified in the First Count, is proven. The Board concludes that the Respondent's conduct is a violation of the probation ordered pursuant to a Consent Order dated June 12, 1990. Therefore, the Respondent is subject to disciplinary action as provided in Section 19a-17 of the General Statutes of Connecticut.

The SECOND COUNT of the Statement of Charges alleges that during June and July of 1993, while licensed as a licensed practical nurse, the Respondent forged prescriptions for the controlled substance Darvocet-N-100.

The Respondent was not present at the hearing to answer to this charge. (Hearing Transcript, January 13, 1994, pp. 2, 9-10)

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 "...(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

The Board concludes that the Respondent's conduct as specified in the Second Count is proven and that said conduct violates Section 20-99(b)(2) and (5) of the General Statutes of Connecticut. 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 the General Statutes of Connecticut Sections 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders:

1. That for the First Count and the Second Count, the Respondent's licensed practical nurse license, No. 021709, 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 Board of Examiners for Nursing finds the misconduct regarding the First Count and the Second Count is severable and each specific offense warrants the disciplinary action imposed.

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

Dated at Hartford, Connecticut, this 30th day of March, 1994.

BOARD OF EXAMINERS FOR NURSING

By Janice C. Thibedeau

9479Q