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STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

William Donegan, L.P.N.

Licensed Practical Nurse License No. 022210

93 Christine Drive

East Hartford, Connecticut 06108

CASE PETITION NO. 930519-11-022

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 July 20, 1994. (Department Exhibit 1) The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by William Donegan (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated October 13, 1994 scheduling a hearing for December 7, 1994 (Department Exhibit 1). The hearing took place on December 7, 1994 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, 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. William Donegan, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 022210 on June 1, 1987 and was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1-A)
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 his license. (Department Exhibit 1-C)
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 by certified mail to the Respondent and the Respondent's attorney.
4. The Respondent was present during the hearing and was represented by counsel (Hearing Transcript, December 7, 1994, pp. 2, 21). During the hearing the Respondent submitted a written answer to the Statement of Charges. (Respondent's Exhibit A)
5. That on or about August 1991 while working as a licensed practical nurse at Silver Springs Nursing Home, Meriden, Connecticut. The Respondent diverted for his own use, by falsifying controlled substance administration records, the controlled substance Percocet, generic name Oxycodone/APAP. (Department Exhibit 1-A) (Answer: Respondent's Exhibit A)
6. That on or about September 1992 while working as a licensed practical nurse at Curtis Home, Meriden, Connecticut, the Respondent diverted for his own use, by falsifying controlled substance administration records, the controlled substance Percocet, generic name Oxycodone/APAP. (Department Exhibit 1-A) (Answer: Respondent's Exhibit A)

7. That on or about March 1993 while working as a licensed practice nurse at Meriden Convalescent Home, Meriden, Connecticut the Respondent diverted for his own use, by falsifying controlled substance administration records, the controlled substance Percocet, generic name Oxycodone/APAP. (Department Exhibit 1-B) (Answer: Respondent's Exhibit A)
8. That the Respondent abused and/or utilized to excess, the controlled substance Percocet, generic name Oxycodone/APAP, which he diverted while working as a licensed practical nurse. (Department Exhibit 1-B) (Answer: Respondent's Exhibit A)
9. That the Respondent underwent substance abuse treatment at South Central Rehabilitation Center, New Haven, Connecticut from March 30, 1993 to April 4, 1993 and at the Veteran's Memorial Medical Center, Meriden, Connecticut from April 14, 1993 to May 18, 1994. The Respondent continues to receive individual substance abuse counseling which began on February 7, 1994. (Respondent's Exhibit B)

DISCUSSION AND CONCLUSIONS

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

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

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 his license as required by the General Statutes of Connecticut §4-182(c).

PARAGRAPH 2 of the Statement of Charges alleges that between approximately August 1992 and March 1993, while working as a nurse at Silver Springs Nursing Home, Curtis Home, and Meriden Convalescent Home, all in Meriden, Connecticut, the Respondent:

- "a. diverted Percocet and/or Oxycodone/Apap from facility stocks to his own use; and/or,
- b. used one or more of said medications while on duty; and/or
- c. falsified one or more controlled substance administration records; and/or
- d. abused and/or utilized to excess the controlled substances Percocet and/or Oxycodone/Apap. "

The Respondent admits these charges. (Answer: Respondent's Exhibit A)

PARAGRAPH 3 of the Statement of Charges alleges that the Respondent has abused and/or utilized to excess Percocet and/or Oxycodone/APAP in the past, as recently as March of 1993.

The Respondent admits this charge. (Answer: Respondent's Exhibit A)

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 specified in the Statement of Charges, Paragraphs 2 and 3 is proven. The Board further concludes that said conduct fails to conform to the accepted standards of the nursing profession and is a violation of 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 2 and 3 of the Statement of Charges, the Respondent's licensed practical nurse license, No. 022210, is placed on ~~probation~~ for a period of four (4) years.

2. If any of the following conditions of probation are not met, the Respondent's licensed practical nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - A. The 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 his employer(s), within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.

 - B. Should the Respondent change employment at any time during the probationary period, he shall provide a copy of this Memorandum of Decision to his employer and said employer shall notify the Board in writing, within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.

 - C. The Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency and shall not be self-employed as a nurse during the period of his probation.

 - D. The Respondent shall cause monthly employer reports to be submitted to the Board by his immediate supervisor, if employed as a nurse, for the entire probationary period.

- E. The employer reports cited in Paragraph D above shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be issued to the Board at the address cited in Paragraph O below and shall commence with the report due May 1, 1995.
- F. At his own expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist for the entire period of probation.
- G. The Respondent shall provide a copy of this Memorandum of Decision to his therapist. The Board shall be notified in writing by his therapist, within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.
- H. The Respondent shall cause monthly therapy reports to be submitted to the Board by his therapist, commencing on May 1, 1995, for the entire probationary period.
- I. The therapist reports cited in Paragraph H above shall include documentation of dates of treatment, and an evaluation of the Respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be issued to the Board at the address cited in Paragraph O below.
- J. The Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by his therapist, and/or personal physician, and/or the Board of Examiners for Nursing. Said screens shall be legally defensible in that chain of custody procedures must be followed throughout the screening process. The Respondent shall be responsible for immediately notifying the laboratory, his therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s)

he is taking. There must be at least one such random alcohol/drug screen monthly for the entire period of probation. Reports of said random alcohol/drug screens are due monthly commencing with reports due on May 1, 1995.

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 the chain of custody procedure has been followed.

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

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

Reports of random alcohol and drug screens shall be submitted directly to the Board, at the address cited in Paragraph O below, by the Respondent's therapist or personal physician or the testing laboratory.

- K. The Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for him, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications, and the Respondent shall not abuse and/or excessively use alcohol and/or drugs.

- L. The 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 substances 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.

- M. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- N. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- O. All correspondence and reports are to be addressed to:

BOARD OF EXAMINERS FOR NURSING
Department of Public Health and Addiction Services
150 Washington Street
Hartford CT 06106

- 3. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order and will subject the Respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut including, but not limited to, the revocation of his license. Any extension of time or grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut 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 Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health and Addiction Services or the Connecticut Board of Examiners for Nursing.)

4. This Memorandum of Decision becomes effective and the four (4) year probation of the Respondent's licensed practical nurse license shall commence on April 15, 1995.

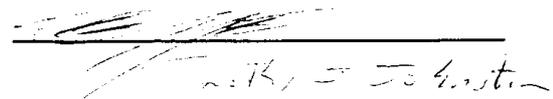
The Board of Examiners for Nursing finds the misconduct regarding Paragraphs 2 and 3 of the Statement of Charges is severable and each specified offense warrants the disciplinary action imposed.

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

Dated at Hartford, Connecticut this 5th day of April, 1995.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in dark ink, appearing to read "W. J. ...", is written over a horizontal line.

0699Q



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

April 21, 1999

William Donegan, LPN
18 Parsonage Road
Higganum, Connecticut 06441

Re: Memorandum of Decision
Petition No. 930519-11-022
License No. 022210


Dear Mr. Donegan:

Please accept this letter as notice that you have completed the terms of your license probation, effective 4/15/99.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Very truly yours,

Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: D. Tomassone
J. Wojick



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