

Mary Ann McGovern  
60 Kenneth Street, Apt. #5  
Hartford, CT 06114

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

State of Connecticut  
Department of Public Health

vs.

Mary Ann McGovern, LPN  
Licensed Practical Nurse License No. 022403  
respondent.

CASE PETITION NO. 990615-011-016

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 August 11, 1999 (Dept. Exh. 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Mary Ann McGovern (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, accompanying affidavits and reports, the Board found that the continued practice of nursing by respondent presented a clear and immediate danger to public health and safety. On September 1, 1999, 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. 1.

The Board issued a Notice of Hearing dated September 1, 1999, scheduling a hearing for September 15, 1999. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 1 indicates that the Summary Suspension Order, Notice of Hearing and Statement of Charges were served on respondent by Deputy Sheriff on September 3, 1999. Board Exh. 1; Transcript, September 15, 1999, pp. 4.

The hearing took place on September 15, 1999, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, September 15, 1999, p. 2. Respondent did not submit an Answer to the Statement of Charges.

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 the holder of Licensed Practical Nurse License Number 022403 at all times referenced in the Statement of Charges. Dept. Exh. 2-C.
2. Respondent was employed as a licensed practical nurse at Chelsea Place, Hartford, Connecticut since approximately May, 1998. Dept. Exh. 2-A4.
3. In or about April and/or May, 1999, while working as a licensed practical nurse at Chelsea Place, respondent diverted one or more of the following drugs: Prozac, Ativan, Alprazolam, Effevor, Paxil, Remeron, Trazodone, Depakote, Neurontin, Haloperidol, Risperdal, Seroquel, Zyprexa, Metoprolol, Arthrotec, Baclofen, Benztropine, Cogentin, Creon, Derifil, Glucophage, Lipitor, Perphenazine, Prevacid, Propulsid, Sinemet, Zantac, Zocor and/or Zyprexa. Dept. Exh. 2.
4. In or about April and/or May, 1999, while working as a licensed practical nurse at Chelsea Place, respondent failed to completely, properly and or accurately document medical or hospital records. Dept. Exh. 2.
5. In or about April and/or May, 1999, while working as a licensed practical nurse at Chelsea Place, respondent falsified one more controlled substance receipt records. Dept. Exh. 2.
6. Patients at Chelsea Place were adversely effected by respondent's diversion of the medications and her failure to properly administer medication. Dept. Exh. 2-A6; Transcript, September 15, 1999, p. 10.

### *Conclusions of Law and Discussion*

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

Mary Ann McGovern 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 in or about April and/or May 1999, while working as a licensed practical nurse at Chelsea Place, Hartford, Connecticut, respondent:

- a. diverted one or more of the following drugs: Prozac, Ativan, Alprazolam, Effevor, Paxil, Remeron, Trazodone, Depakote, Neurontin, Haloperidol, Risperdal, Seroquel, Zyprexa, Metoprolol, Arthrotec, Baclofen, Benztropine, Cogentin, Creon, Derifil, Glucophage, Lipitor, Perphenazine, Prevacid, Propulsid, Sinemet, Zantac, Zocor, Zyprexa;
- b. failed to completely, properly and or accurately document medical or hospital records: and/or,
- c. falsified one more controlled substance receipt records.

PARAGRAPH 4 of the Statement of Charges alleges in or about April and/or May 1999, respondent abused or utilized to excess the drugs listed in Paragraph 3a of the Statement of Charges.

PARAGRAPH 5 of the Statement of Charges alleges that respondent's abuse of the drugs listed in paragraph 3a of the Statement of Charges does, and/or may, effect her practice as a Licensed Practical Nurse.

Respondent did not submit an answer to the Statement of Charges. Pursuant to §19-9-20 of the Regulations of Connecticut State Agencies the Board deems the allegations in the Statement of Charges to be admitted.

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 . . . (7) wilful falsification of entries in any hospital, patient or other record pertaining to drugs, the results of which are detrimental to the health of a patient . . . .”

Based on its findings, 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)(6) and (7). 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:

That for Paragraphs 3, 4 and 5 of the Statement of Charges, respondent's Licensed Practical Nurse license, No. 022403, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

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

Dated at Hartford, Connecticut this 1st day of December, 1999.

BOARD OF EXAMINERS FOR NURSING

By Patricia Lag APRN