

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health v.

Myron Techlowec, L.P.N.,

Licensed Practical Nurse License No. 022729

7 Pitcher Street

Norwich, CT 06360

CASE PETITION NO. 950301-11-004

MEMORANDUM OF DECISION
INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services¹ (hereinafter the "Department") with an Interim Consent Order executed by Myron Techlowec (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 one hundred twenty (120) 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 May 17, 1995. Pursuant to a second Interim Consent Order accepted by the Board on September 12, 1995, and a Modification of Interim Consent Order accepted by the Board on September 27, 1995, suspension of the Respondent's Licensed Practical Nurse license was extended to October 17, 1995.

On October 17, 1995, the Department presented to the Board, a Statement of Charges and Motion for Summary Suspension dated October 16, 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 presented 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 October 17, 1995, scheduling a hearing for November 15, 1995. (Department Exhibit 1). The hearing took place on November 15, 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. Myron Techlowec, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 022729 on June 1, 1988. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-B)
2. The Respondent was given due notice of the hearing and charges against him. Department Exhibit 1 indicates that the Motion for Summary Suspension, Summary Suspension Order, Statement of Charges, Notice of Hearing, and Supporting Documents were served on the Respondent by Deputy Sheriff on October 23, 1995.
3. The Respondent was not present during the hearing and was not represented by counsel. (Hearing Transcript, November 15, 1995, p. 2)

4. The Respondent has a history of substance abuse, inclusive of the substances marijuana, heroin, and cocaine. (Department Exhibit 1-C, 1-D, 1-E)
5. On or about September 1994 the Respondent underwent substance abuse treatment at John Dempsey Hospital, Farmington, Connecticut. The Respondent relapsed resulting in his continued use of marijuana, cocaine and heroin. (Department Exhibit 1-C, 1-D, 1-E)
6. On or about February 3, 1995, the Respondent was arrested in Willimantic, Connecticut for the possession of Heroin. (Department Exhibit 1-A)
7. From April 19, 1995 to April 22, 1995, the Respondent underwent in-patient chemical dependency treatment at Lawrence and Memorial Hospital, New London, Connecticut. From May 2, 1995 to May 23, 1995, the Respondent underwent in-patient chemical dependency treatment at the Stonington Institute, North Stonington, Connecticut. (Department Exhibit 1-C, 1-D, 1-E)
8. Upon discharge from inpatient treatment at the Stonington Institute the Respondent was to engage post-hospitalization aftercare treatment, but he failed to do so. (Department Exhibit 1-E18)

DISCUSSION AND CONCLUSIONS

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

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

PARAGRAPH 2 of the Statement of Charges alleges that from approximately February 1995 through approximately May 2, 1995, while the holder of a Licensed Practical Nurse license in the State of Connecticut, the Respondent, abused or excessively used Heroin, Cocaine, and Marijuana.

The Respondent was not present at the hearing to answer this charge, therefore the Board deems this charge admitted pursuant to §19-2a-18 of the Regulations of Connecticut State Agencies.

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes “...(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals....”

Based on its findings, the Board concludes that the Respondent’s conduct as alleged in Paragraphs 2 of the Statements of Charges is proven and that said conduct constitutes a violation of the General Statutes of Connecticut §20-99(b)(5). 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:

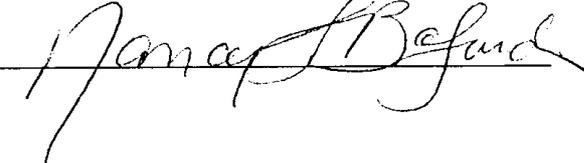
1. That for Paragraphs 2 of the Statement of Charges, the Respondent’s Licensed Practical Nurse license, No. 022729, be revoked.

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, Myron Techlowec, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Wethersfield, Connecticut this 3rd day of April 1996.

BOARD OF EXAMINERS FOR NURSING

By 

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