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

Department of Public Health and Addiction Services v.

Amy Hudson, L.P.N.

Licensed Practical Nurse License No. 022743

18 Barnum Court

Naugatuck, Connecticut 06770

CASE PETITION NO. 931020-11-042

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 April 29, 1994. (Department Exhibit 1) The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Amy Hudson (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated May 25, 1994 scheduling a hearing for October 26, 1994. The hearing took place on October 26, 1994 in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. (Department Exhibit 1)

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 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. Amy Hudson, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 022743 on June 1, 1988 and was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1)
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 her license. (Department Exhibit 1)
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 to the Respondent by certified mail.
4. The Respondent was not present during the hearing and was not represented by counsel. The Respondent did not file an answer to the Statement of Charges. (Hearing Transcript, October 26, 1994, pp. 2-5)
5. That during July and August 1993 the Respondent worked as a licensed practical nurse at the Bridgeport Correctional Center, Bridgeport, Connecticut. (Department Exhibit 2)
6. That on July 14, 1993, while working as a licensed practical nurse at the Bridgeport Correctional Center, the Respondent signed out two (2) 5 mg. tablets of the controlled substance Percocet for Correctional Officer Cullen at 6:30 PM, indicating the medication was ordered by Steven Stein, M.D. (Department Exhibit 2)
7. That Steven Stein, M.D. did not order Percocet to be administered to Correctional Officer Cullen. (Department Exhibit 2)

8. That on July 14, 1993, while working as a licensed practical nurse at the Bridgeport Correctional Center, the Respondent signed out two (2) 5 mg. tablets of the controlled substance Percocet for her own use at 12:00 midnight, indicating that the medication was ordered for her by Steven Stein, M.D. (Department Exhibit 2)
9. That Steven Stein, M.D. did not order the Respondent to administer Percocet to herself. (Department Exhibit 2)
10. That on July 17, 1993, while working as a licensed practical nurse at Bridgeport Correctional Center, the Respondent signed out a 5 mg. tablet of the controlled substance Percocet for her own use at 11:00 AM and 3:00 PM, indicating that the medication was ordered for her by Jay Berkowitz, M.D. (Department Exhibit 2)
11. That on July 18, 1993, while working as a licensed practical nurse at Bridgeport Correctional Center, the Respondent signed out a 5 mg. tablet of the controlled substance Percocet for her own use at 11:00 AM and 3:00 PM, indicating that the medication was ordered for her by Jay Berkowitz, M.D. (Department Exhibit 2)
12. That Jay Berkowitz, M.D. did not order the Respondent to administer Percocet to herself. (Department Exhibit 2)
13. That on August 15, 1993, while working as a licensed practical nurse at Bridgeport Correctional Center, the Respondent signed out a dose of the controlled substance Propoxyphene N 100 at 6:00 PM indicating the medication was administered to patient "R". (Department Exhibit 2)
14. That patient R's medication order for Propoxyphene N 100 expired at 6:00 AM on August 15, 1993. (Department Exhibit 2)

DISCUSSION AND CONCLUSIONS

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

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

The Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut Section 4-177 and Section 4-182.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as Section 19-2a-1 through Section 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 the General Statutes of Connecticut Section 4-182(c).

PARAGRAPH 3 of the Statement of Charges alleges that on or about July 14, 1993 and subsequent thereto, while working as a licensed practical nurse at the Bridgeport Correctional Center, Bridgeport, Connecticut, the Respondent:

- "a. diverted percocet, a controlled substance; and/or
- b. diverted Propoxyphene N-100, a controlled substance; and/or
- c. abused or utilized to excess one or more of said medications; and/or
- d. failed to completely or properly or accurately make documentations in the patient or hospital records; and/or
- e. falsified one or more Controlled Substance Receipt Records; and/or
- f. signed out or administered controlled substances without a valid physician order."

The Respondent did not file an answer to the Statement of Charges, therefore the Board deems these charges admitted.

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 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 Paragraph 3 of the Statement of Charges is proven and that said conduct violates the General Statutes of Connecticut Section 20-99(b)(2), (5) and (6). 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 Section 19a-17 and Section 20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraph 3 of the Statement of Charges, the Respondent's licensed practical nurse license, No. 022743, be ~~re~~ **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.

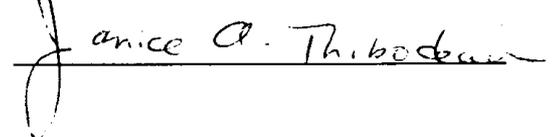
The Respondent, Amy Hudson, is hereby directed to immediately surrender Licensed Practical Nurse License No. 022743 to the Board of Examiners for Nursing, Department of Public Health and Addiction Services, 150 Washington Street, Hartford, Connecticut 06106.

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

Dated at Hartford, Connecticut this ~~25~~ **25**th day of **January**, 1995.

BOARD OF EXAMINERS FOR NURSING

By

Janice A. Thibodeau

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