

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

Linda Jayme, L.P.N.

Licensed Practical Nurse License No. 023213

19 Mill Street

Wethersfield CT 06109

CASE PETITION NO. 931109-11-045

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 January 11, 1994. (Department Exhibit 1-A)

The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Linda Jayme (hereinafter the "Respondent").

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 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 January 13, 1994 scheduling a hearing for January 26, 1994. (Department Exhibit 1-A) The hearing was rescheduled and took place on April 14, 1994 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

During the hearing on April 14, 1994 the Department verbally amended the Statement of Charges by replacing "Fioricet" with "Fiorinal" in paragraph 2, and 3; by replacing "but not limited to Butalbital" with "Fiorinal" in paragraph 4 and by replacing "drugs, including but not limited to Butalbital" with "Fiorinal" in paragraph 5. (Hearing Transcript April 14, 1994, pp. 6-7, 9-10)

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 their 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. Linda Jayme, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 023213 on October 28, 1989. Said license lapsed on July 31, 1991 and was reinstated on March 29, 1993. (Department Exhibit 1-E)
2. The Respondent was aware of the time and location of the hearing. The Summary Suspension Order, Notice of Hearing and Statement of Charges were served on the Respondent by Deputy Sheriff. (Department Exhibit 1, pp. 5-7) The Notice of Continuance of Formal Hearing was sent to the Respondent by first class mail. (Department Exhibit 1, p. 1)
3. The Respondent was present at the hearing but was not represented by counsel. The Respondent was informed that she had the right to be represented by an attorney. (Hearing Transcript, April 14, 1994, p. 3)
4. The Respondent provided a verbal Answer to the Statement of Charges, as amended. (Hearing Transcript, April 14, 1994, pp. 6-11)
5. That on May 10, 1979 the Respondent was issued a license to practice as a practical nurse in the State of Arizona. (Department Exhibit 1-E)

6. That on May 17, 1984 the Arizona State Board of Nursing ordered that the Respondent's practical nurse license be suspended for twelve (12) months for telephoning in a fraudulent prescription for Fiorinal #3 to a pharmacy. The suspension was stayed and the Respondent's license was placed on probation for twelve (12) months. (Department Exhibit 1-E)
7. That on March 4, 1985 the Arizona State Board of Nursing ordered that the Respondent's practical nurse license be revoked subsequent to the Respondent's felony conviction for offenses related to her attempt to obtain Codeine on or about July 14, 1984. (Department Exhibit 1-E)
8. That on March 21, 1988 the Arizona State Board of Nursing ordered that the Respondent's practical nurse license be reissued. (Department Exhibit 1-E)
9. That on or about 1992 the Respondent was convicted of narcotics violations in the State of California. (Hearing Transcript, April 14, 1994, p. 26)
10. That the Respondent has resided at 19 Mill Street, Wethersfield, Connecticut since on or about December 1992. (Department Exhibit 1-B23)
11. That from on or about January 1993 through July 1993 the Respondent obtained the controlled substance Fiorinal (generic name Butalbital) by telephoning twenty-seven (27) fraudulent prescriptions to the CVS Pharmacy, 1067 Silas Deane Highway, Wethersfield, Connecticut. (Department Exhibits 1-B, 1-C)
12. That the Respondent made the twenty-seven (27) fraudulent prescriptions cited in FACT 11 by falsely representing that she worked for William Laakso, M.D., 100 Retreat Avenue, Hartford, Connecticut and that said prescriptions were being prescribed by Dr. Laakso. (Department Exhibits 1-B25, 1-B34)
13. That from on or about January 30, 1993 through July 1993 the Respondent did not have a valid prescription for Fiorinal (Butalbital). (Hearing Transcript, April 14, 1994, pp. 7-8)

14. That the Respondent abused the controlled substance Fiorinal (Butalbital) which she obtained with the fraudulent prescriptions cited in FACT 11. (Hearing Transcript, April 14, 1994, pp. 8-9)
15. That the Respondent has been addicted to and has abused Fiorinal (Butalbital) since on or about 1985. (Department Exhibit 1-B23) (Hearing Transcript, April 14, 1994, p. 37)
16. That the Respondent received in-patient chemical dependency treatment at Conifer Park, Scotia, New York from on or about October 9, 1993 to on or about November 3, 1993. (Department Exhibit 1-D)
17. That the Respondent submitted to urine drug screens on November 11, 1993, December 1, 1993 and December 9, 1993 which tested positive for Barbituate. The November 11, 1993 and December 1, 1993 urine drug screens were confirmed positive for Butalbital. (Department Exhibit 1-D)

DISCUSSION AND CONCLUSIONS

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

Linda Jayme is the holder of a valid licensed practical nurse license in the State of Connecticut.

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 General Statutes of Connecticut .

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 General Statutes of Connecticut.

Paragraph 2 of the Statement of Charges, as amended, alleges that between January and July 1993, the Respondent fraudulently called in twenty-seven (27) prescriptions for the controlled substance Fiorinal, generic name Butalbital, to a CVS Pharmacy in Wethersfield, Connecticut, for her own use.

The Respondent admits this charge. (Hearing Transcript, April 14, 1994, p. 6)

Paragraph 3 of the Statement of Charges, as amended, alleges the Respondent did not have a valid prescription for Fiorinal between January and July 1993 and that she made false representations to the pharmacy that she worked for a local physician in order to induce the pharmacy to fill the prescriptions for her.

The Respondent admits these charges. (Hearing Transcript, April 14, 1994, pp. 7-8)

Paragraph 4 of the Statement of Charges, as amended, alleges that on or before July 1993, the Respondent abused narcotic drugs, including Fiorinal.

The Respondent admits this charge. (Hearing Transcript, April 14, 1994, pp. 8-9)

Paragraph 5 of the Statement of Charges, as amended, alleges the Respondent is chemically dependent and addicted to Fiorinal.

The Respondent admits this charge. (Hearing Transcript, April 14, 1994, p. 10)

Paragraph 6 of the Statement of Charges, as amended, alleges, that the Respondent's condition of being chemically dependent and addicted to Fiorinal, subjects her to disciplinary action.

The Board concludes that the condition of chemical dependency and addiction, absent any finding of abuse or excessive use, in and of itself is not sufficient to impose a disciplinary action.

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 "(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on its findings and the Respondent's admissions the Board concludes that Paragraphs 2, 3, 4 and 5 of the Statement of Charges, as amended, are proven. 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:

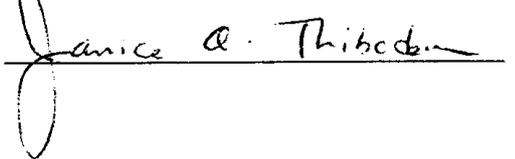
1. That for Paragraphs 2, 3, 4 and 5 of the Statement of Charges, as amended, the licensed practical nurse license, No. 023213, of the Respondent be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Chairperson of the Board of Examiners for Nursing.

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

Dated at Hartford, Connecticut, this 8th day of September, 1994.

BOARD OF EXAMINERS FOR NURSING

By



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