

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

Beverly Williams, L.P.N.

Licensed Practical Nurse License No. 023577

35 Colony Street

Stratford, Connecticut 06497

CASE PETITION NO. 940209-11-011

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 21, 1994 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Beverly Williams (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. Beverly Williams, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 023577 on June 1, 1990 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 by certified mail to the Respondent.
4. The Respondent was present during the hearing but was not represented by counsel. (Hearing Transcript, December 7, 1994, p. 2).
5. During the hearing the Respondent provided written and verbal answers to the Statement of Charges. (Respondent's Exhibit A) (Hearing Transcript, December 7, 1994, pp. 9-11)
6. That from on or about May 28, 1992, the Respondent has been employed as a licensed practical nurse at Roncalli Health Center, Bridgeport, Connecticut. (Department Exhibit 1-B23)
7. That on November 16, 1993, while working as a licensed practical nurse at Roncalli Health Center, the Respondent was under the influence of the controlled substances Cocaine and Codeine. (Respondent's Exhibit A) (Hearing Transcript, December 7, 1994, pp. 9-10)

8. That on November 16, 1993, while working as a licensed practical nurse at Roncalli Health Center, the Respondent passed out, which resulted in her undergoing a medical evaluation at a walk-in medical center. A urine specimen of the Respondent, taken during the medical evaluation, was tested for drugs. The results of the urine specimen were confirmed positive for the presence of Cocaine, Codeine, and Morphine. (Department Exhibit 1-A)
9. That the Respondent has a history of alcohol abuse. (Department Exhibit 1-B)
10. That the Respondent suffers from major depression for which she is receiving treatment. That the Respondent's depression has, in the past, affected her ability to practice nursing in conformity with accepted nursing standards. (Respondent's Exhibit A) (Hearing Transcript, December 7, 1994, pp. 10-12)
11. That the Respondent underwent substance abuse treatment at Guenster Rehabilitation Center, Bridgeport, Connecticut from November 19, 1993 to December 21, 1993. The Respondent continues to receive individual substance abuse counseling which began on March 7, 1994. (Respondent's Exhibit A)

DISCUSSION AND CONCLUSIONS

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

Beverly Williams 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 §4-177 and §4-182.

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

PARAGRAPHS 2 and 3 of the Statement of Charges allege that on or about November 16, 1993, while working as a nurse at Roncalli Health Center, Bridgeport, Connecticut, the Respondent appeared at work under the influence of Cocaine and Codeine, and that the Respondent has abused and or utilized to excess, Cocaine, opiates, and/or alcohol in the past, as recently as November 16, 1993.

The Respondent admits these charges. (Respondent's Exhibit A) (Hearing Transcript, December 7, 1994, pp. 9-10)

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...."

Based on its findings and the Respondent's admissions, the Board concludes that the Respondent's conduct as specified in the Statement of Charges, Paragraphs 2 and 3 is proven and are violations of the General Statutes of Connecticut §20-99(b)(2) and (5). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

PARAGRAPH 4 of the Statement of Charges alleges that the Respondent suffers from an emotional disorder and/or mental illness which affects her ability to practice in conformity with accepted standards of the nursing profession.

The Respondent admits that she suffers from an emotional disorder and/or mental illness but denies that her condition currently affects her ability to practice in conformity with the accepted standards of the nursing profession. (Hearing Transcript, December 7, 1994, pp. 10-11)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (4) emotional disorder or mental illness...."

Based on its findings and the Respondent's admission, the Board concludes that the Respondent suffers from a mental illness and/or emotional disorder which contributed to the conduct specified in Paragraph 2 and 3 and which has affected her ability to practice in conformity with the accepted standards of the nursing profession. The Board further concludes that the Respondent's condition, if untreated, may affect her ability to practice nursing with reasonable skill and safety.

The Board concludes that Paragraph 4 of the Statement of Charges is proven, 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, 3 and 4 of the Statement of Charges, the Respondent's licensed practical nurse license, No. 023577, 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 her 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, she shall provide a copy of this Memorandum of Decision to her 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 her probation.
- D. The Respondent shall cause monthly employer reports to be submitted to the Board by her 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 her own expense, the Respondent shall engage in therapy and counseling for chemical dependency and major depression 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 her therapist. The Board shall be notified in writing by her 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 her 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 her 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, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she 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 her, 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 her 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.

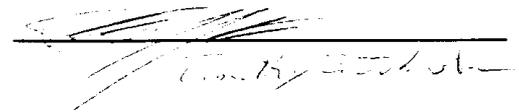
The Board of Examiners for Nursing finds the misconduct regarding Paragraphs 2, 3 and 4 of the Statement of Charges is severable and each specified offense warrants the disciplinary action imposed.

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

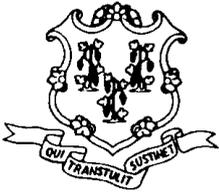
Dated at Hartford, Connecticut this 5th day of April, 1995.

BOARD OF EXAMINERS FOR NURSING

By



0715Q



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

April 15, 1999

Beverly Williams, LPN
43 Wiklund Avenue
Stratford, Connecticut 06497

Re: Memorandum of Decision
Petition No. 940209-11-011
License No. 023577
D.O.B. [REDACTED]

Dear Ms. Williams:

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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