

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

Department of Public Health

Petition No. 2003-1001-011-035

vs.

Lisa Wild, LPN, Lic. No. 024058
Respondent

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 November 12, 2003. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Lisa Wild (hereinafter "respondent") which would subject respondent's licensed practical nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On November 19, 2003, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent's licensed practical nurse license 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 November 19, 2003, scheduling a hearing for December 3, 2003. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered by certified mail to respondent.

The hearing took place on December 3, 2003, in Room 20-C, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing and was not represented by counsel. Tr. pp. 2-3. Respondent orally answered the Statement of Charges at the hearing. Tr. pp. 6-10.

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, 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 issued licensed practical nurse license number 024058 on June 3, 1991. Respondent was the holder of said license at all times referenced in the Statement of Charges. Tr. p. 6; Dept. Exh. 1, p. D-1.
2. At all relevant times, respondent was employed as a licensed practical nurse at St. Joseph Living Center in Windham, Connecticut. Tr. p. 6.
3. In approximately August and September 2003, while working as a licensed practical nurse at St. Joseph Living Center, respondent diverted morphine and/or other controlled substances; failed to completely, properly and/or accurately document medical or hospital records; and/or, falsified one or more Controlled Substance Receipt Records. Tr. pp. 6-7.
4. In or about August and September 2003, respondent abused or utilized to excess morphine and/or other controlled substances. Tr. p. 7.
5. Respondent's abuse of morphine and/or other controlled substances does, and/or may, affect her practice as a licensed practical nurse. Tr. p. 7.
6. On July 16, 2003, the Board issued a Memorandum of Decision in Petition Number 2001-0724-011-022 ("the Decision") that placed respondent's licensed practical nurse license on probation for a period of four years. Such disciplinary action was based upon proof of respondent's history of alcohol and substance abuse, exceeding her scope of practice, crossing professional boundaries, signing her name, "R.N.," and conducting herself in an inappropriate manner while on duty. Tr. p. 8.
7. The Decision specifically provided that respondent is required to submit to random drug and alcohol screens, and provide monthly employer reports and monthly therapist reports to the Department. Tr. pp. 8-9.
8. Respondent failed to provide any reports of drug and alcohol screens. There was insufficient evidence to establish that problems existed at the collection site that would have prevented screens to be performed, as claimed by the respondent, or that respondent appeared for all of the screens. Tr. pp. 20 and 24.
9. On September 24, 2003, respondent was terminated from her employment for drug diversion and substandard nursing practice. Tr. p. 9.

10. On September 30, 2003, respondent's therapist reported to the Department that respondent's behavior is erratic and that inpatient care is indicated at this time. Tr. pp. 9-10.

Conclusions of Law and Discussion

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

Lisa Wild 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 provided sufficient legal notice as mandated by *Conn. Gen. Stat.* § 4-177(a) and (b), and § 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a 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 his license as required by *Conn. Gen. Stat.* § 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 August and September 2003, while working as a licensed practical nurse at St. Joseph Living Center, respondent:

- a. diverted morphine and/or other controlled substances;
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
- c. falsified one or more Controlled Substance Receipt Records.

PARAGRAPH 4 of the Statement of Charges alleges that in or about August and September 2003, respondent abused or utilized to excess morphine and/or other controlled substances.

PARAGRAPH 5 of the Statement of Charges alleges that respondent's abuse of morphine and/or other controlled substances does, and/or may affect her practice as a licensed practical nurse.

PARAGRAPH 8 of the Statement of Charges alleges that on July 16, 2003, the Board issued the Decision that placed respondent's licensed practical nurse license on probation for a period of four years. Such disciplinary action was based upon proof of respondent's history of alcohol and substance abuse, exceeding her scope of practice, crossing professional boundaries, signing her name "R.N.," and conducting herself in an inappropriate manner while on duty.

PARAGRAPH 9 of the Statement of Charges alleges that the Decision specifically provided that respondent is required to submit to random drug and alcohol screens, and provide monthly employer reports and monthly therapist reports to the Department.

PARAGRAPH 10 of the Statement of Charges alleges that respondent has failed to provide any reports of drug and alcohol screens.

PARAGRAPH 11 of the Statement of Charges alleges that on September 24, 2003, respondent was terminated from her employment for drug diversion and substandard nursing practice.

PARAGRAPH 12 of the Statement of Charges alleges that on September 30, 2003, respondent's therapist reported to the Department that respondent's behavior is erratic and that inpatient care is indicated at this time.

Respondent admits to the charges, except for paragraph 10. Respondent claims that (1) there were problems at the collection site that prevented the screens from being performed; (2) she appeared for every one of her screens; and (3) she did not have urine screens done because she did not have money to pay for the screens. Tr. pp. 6-10, 20, and 24.

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 . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraphs 3, 4, 5, 8, 9, 10, 11, and 12 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§20-99(b)(2), (5), (6) and 19a-17. The Board further concludes that said conduct violates the terms of probation as set forth in the Memorandum of Decision dated July 16, 2003. Therefore, respondent's registered licensed practical nurse license is subject to disciplinary action pursuant to *Conn. Gen. Stat.* § 19a-17.

Order

Pursuant to its authority under *Conn. Gen. Stat.* § 19a-17 and § 20-99, the Board of Examiners for Nursing hereby orders the following:

That for Paragraphs 3, 4, 5, 8, 9, 10, 11, and 12 of the Statement of Charges, respondent's licensed practical nurse license, number 024058, is revoked effective the date this Memorandum of Decision is signed by the Board.

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

Dated at Newington, Connecticut this 5th day of May 2004.

BOARD OF EXAMINERS FOR NURSING

By  _____