

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

Eleanor Matyasovszky

RE: Licensed Practical Nurse License Number 024099

Petition No. 2002-1227-011-056

MEMORANDUM OF DECISION

Procedural Background

Eleanor Matyasovszky (hereinafter "petitioner") was issued licensed practical nurse license number 024099 on June 3, 1991. Dept. Exh.1.

Pursuant to Memorandum of Decision dated September 16, 1998, the Board of Examiners for Nursing (hereinafter "the Board") ordered the revocation of petitioner's licensed practical nurse license. Dept. Exh. 1-4.

In a letter dated September 11, 2002, petitioner requested that the Board reinstate her licensed practical nurse license. Dept. Exh. 1-5.

Pursuant to petitioner's request, the Board issued a Notice of Hearing dated December 4, 2002, scheduling a hearing for April 16, 2003. Board Exh. 1.

The hearing took place on April 16, 2003, at the Hartford Hospital Newington Campus, 181 Patricia M. Genova Drive, Newington, Connecticut. Petitioner was present at the hearing, and was represented by counsel. Transcript April 16, 2003, p. 2.

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.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Pursuant to the Memorandum of Decision dated September 16, 1998, the Board ordered the revocation of petitioner's licensed practical nurse license. The order was based on the Board's finding that petitioner abused cocaine, illegally possessed drug paraphernalia, crack cocaine, cocaine, and/or marijuana, and illegally sold and/or attempted to sell crack cocaine, cocaine and/or marijuana during 1997. Dept. Exh. 1-4.

2. Petitioner has not abused drugs and/or alcohol since the fall of 1997. Transcript, p. 20.
3. In May 1998, the petitioner sought rehabilitative drug treatment at the Milford Mental Health Center in Milford, Connecticut as part of a three-year probation on criminal charges. The petitioner also received treatment at the Substance Abuse Treatment Unit (SATU) in New Haven, Connecticut beginning in February 2001 and continuing for two years. Dept. Exh. 1-5; Transcript, pp. 13, 16.
4. The petitioner attended Nurses for Nurses meetings for one year, and she has been an active participant in Alcoholics Anonymous (AA) for three to four years. Transcript, pp. 14, 16
5. Petitioner's urine screen results for the periods between May 1998 and April 2003 have been negative for the presence of alcohol and/or drugs. Resp. Exhs. A and B; Dept. Exh. 1-5; Transcript, p. 14.
6. Petitioner plans to take the licensed practical nurse refresher program offered at W.F. Kaynor Regional Vocational Technical School, Waterbury, Connecticut. Transcript, p. 19.

Discussion and Conclusions of Law

In accordance with the Notice of Hearing, petitioner has the burden of satisfying the Board that she is able to practice as a Licensed Practical Nurse with reasonable skill and safety by presenting relevant evidence at the hearing, including the following:

1. Evidence from a licensed therapist documenting her drug free status and participation in therapy and counseling;
2. Personal references addressing her drug free status, emotional health, and work habits;
3. Documentary evidence from her current and past employers;
4. Documentary evidence of random, legally defensible screens for drugs and alcohol conducted by a therapist or physician;
5. Documentation of participation in support groups.

The Board finds that the petitioner has presented relevant and credible evidence as required by the Notice of Hearing. Based on a review of the evidence presented, the Board concludes that petitioner has met the burden of satisfying the Board of her ability to return to the practice of nursing with reasonable skill and safety under the terms of the Order described below.

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. The licensed practical nurse license, No. 024099, of petitioner, Eleanor Matyasovszky, is reinstated to probationary status on the effective August 1, 2003.
2. Petitioner's licensed practical nurse license, No. 024099, is placed on probation for a period of four (4) years.
3. If any of the following conditions of probation are not met, petitioner's licensed practical nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - A. Petitioner shall successfully complete a Board approved licensed practical nurse refresher program.
 - B. Certification of successful completion of the refresher program cited in Paragraph A shall be submitted to the Board, directly from the educational institution where said program was taken, within thirty (30) days of the program's completion.
 - C. Until such time that petitioner successfully completes the refresher program, petitioner is prohibited from practicing as a nurse and petitioner's licensed practical nurse license will be restricted and used for the sole purpose of participating in the refresher program.
 - D. During the period of probation, the Board shall pre-approve petitioner's employment or change of employment within the nursing profession.
 - E. Petitioner 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 any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
 - F. If employed as a nurse, petitioner shall cause monthly employer reports to be submitted to the Board, by her immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of month following employment as a nurse.

- G. The employer reports cited in Paragraph F above shall include documentation of petitioner's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph S below.
- H. Should petitioner's employment as a nurse be involuntarily terminated, petitioner and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
- I. If petitioner pursues further training in any subject area that is regulated by the Department, petitioner shall provide a copy of this Memorandum of Decision to the educational institution or, if not the institution, to petitioner's instructor. Such institution or instructor shall notify the Department in writing of receipt of a copy of this Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph S below.
- J. At her expense, petitioner shall engage in therapy and counseling for chemical dependency with a Connecticut licensed or certified therapist, approved by the Board and the Department, during the entire period of probation.
- K. Petitioner 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 of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- L. Petitioner shall cause monthly evaluation reports to be submitted to the Board by her therapist during the entire probationary period.
- M. The therapist reports cited in Paragraph L above shall include documentation of dates of treatment, and an evaluation of petitioner's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph S below.
- N. At her expense, the petitioner shall be responsible for submitting to observed random chain of custody urine screens for alcohol and drugs for the entire probationary period at a testing facility approved by the Board, after consultation with the Department, as ordered by her therapist, and/or personal physician, and/or

employer. Alcohol/drug screening may also be ordered by the Board of Examiners for Nursing to ensure compliance with this Order. Random alcohol/drug screens shall be legally defensible in that specimen donor and chain of custody can be identified throughout the screening process. Petitioner 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.

- (1) There must be at least one (1) weekly random alcohol/drug screen during the first and second years of the probationary period, and at least two (2) monthly random alcohol/drug screens during the third and fourth years of the probationary period.
- (2) 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 chain of custody procedures have been followed.
- (3) Random alcohol/drug screens must include testing for the following substances:

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| Amphetamines | Methadone |
| Barbiturates | Methaqualone |
| Benzodiazepines | Opiates (Metabolites) |
| Cannabinoids (THC Metabolites) | Phencyclidine (PCP) |
| Cocaine | Propoxyphene |
| Meperidine (Demerol) | Ethanol (alcohol) |

- (4) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Board and the Department, at the address cited in Paragraph S below, by petitioner's therapist, personal physician or the testing laboratory.
- O. Petitioner 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. Petitioner shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.

- P. Petitioner is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine and that the ingestion of mouthwash may produce a positive result indicating the presence of alcohol. For that reason, any food substance containing poppy seeds, and mouthwash should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine and/or alcohol, the ingestion of poppy seeds and/or mouthwash shall not constitute a defense to such positive screen.
- Q. The Connecticut Board of Examiners for Nursing must be informed of petitioner's current address within ten (10) days of the effective date of this decision.
- R. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of petitioner's address.
- S. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, RN, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford CT 06134-0308

- 4. That any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that petitioner has violated this Order will subject petitioner 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 Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take subsequent action. The Board 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 Office of Practitioner Licensing and Certification of the Department of Public Health or the Board).

5. This Memorandum of Decision becomes effective, and the four (4) year probation of petitioner's licensed practical nurse license shall commence, on August 1, 2003.

The Board of Examiners for Nursing hereby informs petitioner, Eleanor Matyasovszky, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 16th day of July 2003.

BOARD OF EXAMINERS FOR NURSING

By 