CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. P 048 082 408

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: Edgar A. Gonzalez Petition No. 940517-11-023

PRELICENSURE CONSENT ORDER

WHEREAS, Edgar A. Gonzalez of Hartford, Connecticut (hereinafter "respondent") has applied for licensure to practice as a licensed practical nurse by the Department of Public Health and Addiction Services (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits and acknowledges that:

1. The Department has at no time issued respondent a license to practice the occupation of licensed practical nurse under the General Statutes of Connecticut, Chapter 378.
2. Respondent has a history of substance abuse.
3. In September 1985, respondent was arrested for illegal possession of a controlled substance and placed in a first offender program.
4. In January 1986, respondent was once again arrested for illegal possession of a controlled substance; he pleaded guilty and was sentenced to a four year period of probation and ordered to pay a penalty of $25.00.
5. Respondent failed to report as directed and failed to pay his $25.00 penalty.

6. In June 1987, respondent failed to appear for a summary hearing, and a bench warrant for his arrest was issued.

7. In April 1989, respondent was arrested, and a decision was made to close his case after payment of the $25.00 penalty.

8. By the actions described above, respondent has committed acts which, if respondent had been licensed at the time, fail to conform to the accepted standards of practice for licensed practical nurses; therefore, respondent is subject to denial of his application for licensure pursuant to §19a-14 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-14 of the General Statutes of Connecticut,

Edgar A. Gonzalez hereby stipulates and agrees to the following:

1. That he waives the right to a hearing on the merits of this matter.

2. That upon satisfaction of the requirements for licensure as a licensed practical nurse as set forth in Chapter 378 of the General Statutes of Connecticut, respondent's license to practice as a licensed practical nurse will be issued forthwith.

3. That his license to practice as a licensed practical nurse in the State of Connecticut shall, upon issuance, immediately be placed on probation for two (2) years subject to the following terms and conditions:

   A. Respondent shall not obtain for personal use and/or use alcohol, controlled substances or legend drugs that have not been prescribed for him for a legitimate therapeutic purpose by a licensed health care professional authorized to prescribe medications.

(1) At his own expense, he shall submit to observed random urine screens for drugs and alcohol at a testing facility approved by the Department as ordered by a monitor preapproved by the Department (hereinafter "the monitor"). He shall also be responsible for providing laboratory reports reporting the results of such screens directly to the monitor. All such observed random drug and alcohol screens and laboratory reports shall be legally defensible in that the specimen donor and chain of custody can be identified throughout the screening process. All laboratory reports shall indicate that the chain of custody procedure has been followed.

(2) He shall be responsible for notifying the laboratory, the monitor, and the Department of any drug(s) he is taking.

(3) There must be at least one (1) such observed random urine screen and accompanying laboratory report biweekly for the first year of his probation.

(4) All screens shall be negative for drugs and alcohol.

(5) All positive screens shall be confirmed by gas chromatograph/mass spectrometer testing.

(6) Respondent is hereby advised that the ingestion of poppy seeds has, from time to time, been raised as a defense to a positive screen result for morphine and/or opiates. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substance during the term of this

Prelicensure Consent Order. In the event respondent has a positive screen for morphine and/or opiates, respondent agrees that the ingestion of poppy seeds shall not constitute a defense to such a screen.

B. Respondent shall be responsible for the provision of written reports directly to the Department from the monitor monthly for the first year of his probation. The monitor's reports shall include documentation of respondent's drug and alcohol free status as established by the random urine screens for controlled substances and alcohol described in paragraph 3(A)(1), and copies of all laboratory reports.

C. Notwithstanding the foregoing, the monitor shall immediately report to the Department any confirmed positive urine screen and any conduct or condition on respondent's part which does or may violate any federal or state statute or regulation applicable to his profession.

D. Respondent shall provide a copy of this Prelicensure Consent Order to the monitor and to all current and future employers for the duration of his probation.

E. Respondent shall not accept employment in any capacity for a personnel provider, visiting nurse agency or home health care agency, and shall not be self-employed as a nurse for the period of his probation.

F. Respondent shall not administer, count, or have access to narcotics or other controlled substances, or have responsibility for such activities in the course of his nursing practice for the first six (6) months of the probationary period.

G. Respondent shall be responsible for the provision of written reports directly to the Department from his nursing supervisor (i.e., Director of Nursing) monthly for the first year of his probation, every other month for the second year of probation. Employer reports shall include documentation of respondent's ability to safely and competently practice nursing.

H. Respondent shall notify the Department in writing of any change of employment within fifteen (15) days of such change.

I. Respondent shall notify the Department of any change in his home or business address within fifteen (15) days of such change.

J. All reports required in paragraphs 3(B) and 3(G) are due according to the following schedule:

(1) Monthly reports are due on the tenth business day of every month. The first monthly report required by the terms of this Prelicensure Consent Order is due on the tenth day of the first full month after the effective date of this Prelicensure Consent Order.

(2) Bi-monthly reports are due on the tenth business day of every other month commencing with the report due January 10, 1996.

4. That in the event respondent is unemployed for periods of thirty (30) consecutive days or longer as a licensed practical nurse, or is employed less than twenty (20) hours per week as a licensed practical nurse, respondent shall so notify the Department in writing. The Department has the discretion as to whether or not such period(s) may be counted in reducing the period of probation covered by this Prelicensure Consent Order.

5. That respondent shall comply with all state and federal statutes and regulations applicable to his profession.

6. That any deviation from the term(s) of this Prelicensure Consent Order without prior written approval of the Department shall constitute a violation. A violation of any term(s) of this Prelicensure Consent Order shall result in the right of the Department to immediately deem respondent's licensed practical nurse license rescinded. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department's right to take action at a later time. The Department shall not be required to grant future extensions of time or grace periods. Respondent waives any right to a hearing on the issue of violation of the terms of this Prelicensure Consent Order.

7. That all correspondence and reports required by the terms of this Prelicensure Consent Order are to be addressed to:

Lynne Hurley, Investigator
Department of Public Health and Addiction Services
150 Washington Street
Hartford, Connecticut 06106

8. That legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Medical Quality Assurance of the Department.

9. That he understands that this Prelicensure Consent Order may be considered as evidence of the above-admitted violations in any proceeding before the Connecticut Board of Examiners for Nursing in which his compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue.

10. That, in the event respondent violates any term of this Prelicensure Consent Order, respondent agrees immediately to refrain from practicing as a licensed practical nurse, upon request by the Department for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation(s), and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c).

11. That this Prelicensure Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Prelicensure Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut provided that this stipulation shall not deprive him of any other rights that he may have under the laws of the State of Connecticut or of the United States.

I, Edgar A. Gonzalez, have read the above Prelicensure Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Prelicensure Consent Order to be my free act and deed.

Edgar A. Gonzalez

Edgar A. Gonzalez

Subscribed and sworn to before me this 3rd day of November 1994.

Notary Public or person authorized by law to administer an oath or affirmation

The above Prelicensure Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health and Addiction Services on the 8th day of November 1994, it is hereby ordered and accepted.

Stanley K. Peck, Director
Division of Medical Quality Assurance

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12. That this Prelicensure Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
13. That this Prelicensure Consent Order is effective when accepted and approved by a duly appointed agent of the Department.
14. That this Prelicensure Consent Order is a matter of public record.
15. That respondent has the right to consult with an attorney prior to signing this Prelicensure Consent Order.

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