

Carmonia Draper
144 Barnum Street
Stratford, CT 06497

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

State of Connecticut
Department of Public Health
vs.
Carmonia Draper, LPN
Licensed Practical Nurse License No. 026494
Respondent.

CASE PETITION NO. 971126-011-032

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 December 10, 1997 (Department Exhibit A). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Carmonia Draper (hereinafter the "Respondent") which would subject the Respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

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 presented a clear and immediate danger to public health and safety. On December 17, 1997, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Licensed Practical Nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. The Board issued a Notice of Hearing scheduling a hearing for January 7, 1998 (Department Exhibit A).

The Respondent was provided notice of the hearing and charges against her. Department Exhibit A indicates that the Summary Suspension Order, Notice of Hearing and Statement of Charges and its relevant documents were served on the Respondent by Deputy Sheriff on December 22, 1997.

The hearing began on January 7, 1998, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. The hearing was continued at the request of the Respondent and resumed on April 15, 1998 (Hearing Transcripts, January 7, 1998, pp. 13-14; February 4, 1998, pp. 4-5). The hearing was again continued to allow the Respondent to obtain additional information (Hearing Transcript, April 15, 1998, pp. 38-47). The hearing concluded on May 20, 1998. The April 15, 1998 and May 20, 1998 hearings were held in the Town Council Chambers, Wethersfield Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

The Respondent was present during the hearings on January 7, 1998 and April 15, 1998 (Hearing Transcripts, January 7, 1998 and April 15, 1998). The Respondent was not present on May 20, 1998 despite receiving notice of the hearing (Department Exhibit B). The Respondent was not represented by counsel.

The Respondent verbally answered the Statement of Charges during the hearing on January 7, 1998. (Hearing Transcript, January 7, 1998, pp. 8-9)

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.

FACTS

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

1. The Respondent was issued Licensed Practical Nurse License Number 026494 on January 17, 1997. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit A)
2. On or about August 18, 1997, the Respondent was arrested by the Stratford Connecticut Police Department while attempting to fill a fraudulent prescription for the controlled substance Percocet at Walgreens Pharmacy, Barnum Avenue, Stratford, Connecticut. The Respondent admitted to the arresting officers that she forged the prescription for Percocet by using the fictitious name Allison Chase and by forging the signature of the prescribing physician. A search of the Respondent's car revealed blank prescription forms from various physicians, completed prescription forms, a vial containing the controlled substance Fioricet with Codeine and a vial containing the controlled substance Vicodin. (Department Exhibit A)
3. From on or about January 1997 to August 1997, the Respondent had prescriptions filled at Rotary Drug Inc., Stratford, Connecticut for the controlled substances Tylenol with Codeine, Vicodin and Percocet. (Department Exhibit A)
4. On July 14, 1997 and August 1, 1997 prescriptions for the controlled substances Percocet and Roxicet, for the fictitious person Allison Chase, were filled at Walgreens Pharmacy, Stratford, Connecticut. (Department Exhibit A)
5. The Respondent self-medicated with the controlled substance Percocet she had obtained by use of forged prescriptions. (Hearing Transcript, January 7, 1998, pp. 9-10)
6. From on or about February 10, 1997 to August 26, 1997 the Respondent was employed as a licensed practical nurse at Atrium Plaza, New Haven, Connecticut. (Hearing Transcript, January 7, 1998, p. 8)

7. On or about September 12, 1997, the Respondent began chemical dependency treatment with the Women In Treatment Methadone Maintenance Program at the Apt Foundation, New Haven, Connecticut. (Respondent's Exhibit 1) (Hearing Transcripts, January 7, 1998, p. 10; April 15, 1998, pp. 5-8,)
8. The Respondent testified that her use of controlled substances resulted from pain associated with back and neck injuries sustained in motor vehicle accidents and subsequently aggravated while working as a licensed practical nurse. (Hearing Transcripts, January 7, 1998, p. 10; April 15, 1998, p. 18)

DISCUSSION AND CONCLUSIONS

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

Carmonia Draper 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 legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut 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 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).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The Statement of Charges alleges that on or about August of 1997 and prior thereto, the Respondent:

- a. stole prescription blanks from area physicians;
- b. forged prescriptions for controlled substances.”

The Respondent denies stealing prescription blanks from area physicians. The Respondent admits forging prescriptions for the controlled substance Percocet. (Answer: Hearing Transcript, January 7, 1998, pp. 8-9)

Based on its review of the Respondent's testimony and the documentary evidence presented, the Board concludes the Respondent forged prescriptions for the controlled substances Percocet and Roxicet. The Board concludes that insufficient evidence was presented regarding the charge that the Respondent stole prescription blanks from area physicians.

The Statement of Charges further alleges that from at least January 1997 through August 1997, the Respondent abused or excessively used the controlled substances Percocet, Fioricet with Codeine, Vicodin and/or Tylenol with Codeine; and that the Respondent's abuse of said substances does and/or may effect her practice as a licensed practical nurse.

The Respondent denies these charges. (Answer: Hearing Transcript, January 7, 1998, p. 9)

The Board has found that the Respondent obtained the controlled substance Percocet by forging prescriptions. The Respondent testified as to her use of the Percocet. Therefore, the Board concludes the Respondent's use of use of the Percocet which she fraudulently obtained constitutes abuse. The Board further concludes that the Respondent's abuse of Percocet may effect her practice as a licensed practical nurse.

The Board concludes that insufficient evidence was presented regarding the charge that the Respondent abused or excessively used the controlled substances Fioricet with Codeine, Vicodin and/or Tylenol with Codeine.

The General Statutes of Connecticut §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, the Board concludes that the Respondent's conduct as alleged in the Statement of Charges as it pertains to the controlled substance Percocet is proven and that said conduct constitutes a violation of the General Statutes of Connecticut §20-99(b)(5). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

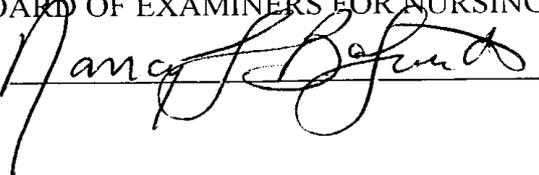
ORDER

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 3, 4 and 5 of the Statement of Charges, as it pertains to the controlled substance Percocet, the Respondent's licensed practical nurse license, No. 026494, is revoked.
5. This Memorandum of Decision becomes effective on the date signed by the Board of Examiners for Nursing.

Dated at Hartford, Connecticut this 18th day of November, 1998.

BOARD OF EXAMINERS FOR NURSING

By 

CERTIFICATION

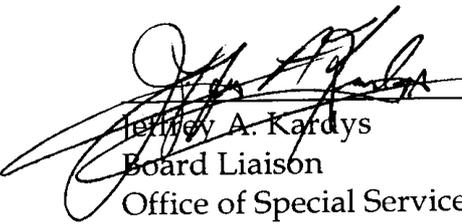
I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 19th day of November 1998, by first class and certified mail, return receipt requested to:

Carmonia Draper
144 Barnum Street
Stratford, CT 06497

Certified Mail Return Receipt Requested NO. P505284301

and by inter-departmental mail to:

Stanley K. Peck, Director
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134



Jeffrey A. Kardys

Board Liaison
Office of Special Services - Adjudications