

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

Department of Public Health

Petition No. 2000-0717-011-028

vs.

Holly Thompson, LPN, Lic. No. 027781  
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 a Motion for Summary Suspension dated August 7, 2000. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Holly Thompson (hereinafter "respondent") which would subject respondent's licensed practical nurse license to disciplinary action pursuant to the General Statutes of Connecticut. Respondent was recently married and her name has been changed to Holly Thompson Coccchiola. Transcript, February 21, 2001, p. 2.

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 August 16, 2000, 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 August 16, 2000, scheduling a hearing for September 6, 2000. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 1 indicates that the Summary Suspension Order, Notice of Hearing and Statement of Charges were served on respondent by deputy sheriff on August 21, 2000.

The hearing scheduled for September 6, 2000 was continued at respondent's request. The hearing was rescheduled to February 21, 2001, at the Wethersfield Town Hall, Town Council Chambers, 505 Silas Deane Highway, Wethersfield, Connecticut.

Respondent was present during the hearing and was represented by counsel. Transcript, February 21, 2001, p. 2.

Respondent submitted a written Answer to the Statement of Charges. Resp. Exh. A. During the hearing respondent orally amended her answer to the Statement of Charges. Transcript February 21, 2001, pp. 5-9.

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.

### *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 027781 on September 7, 1999. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh 3; Answer: Rt. Exh. A.
2. At all relevant times, respondent was employed as a licensed practical nurse at Pediatric Associates of Connecticut in Waterbury, Connecticut. Dept. Exh. 1; Rt. Exh. A.
3. On or about December 27, 1999 and January 6, 2000, while working as a licensed practical nurse at Pediatric Associates of Connecticut, respondent obtained the controlled substance Percocet by use of prescriptions on which respondent forged the name of Charles Fischbein, MD, one of the physicians who practiced at Pediatric Associates of Connecticut. On or about March 21, 2000, respondent obtained the controlled substance Promethazine with Codeine by telephoning a prescription order to the pharmacy and falsely indicating that the prescription was authorized by Charles Fischbein, MD. Dept. Exh. 2; Transcript, February 21, 2001, pp. 29-31.
4. Respondent abused the controlled substances Percocet and Promethazine with Codeine that she had obtain by use of the fraudulent prescriptions. Respondent used the Percocet and Promethazine with Codeine to self-treat a medical condition. Dept. Exh. 2; Transcript, February 21, 2001, pp. 29-31.

### *Conclusions of Law and Discussion*

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

Holly Thompson Cocchiola 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 on or about December 27, 1999 to March 21, 2000, while working as a licensed practical nurse at Pediatric Associates of Connecticut, respondent forged or telephonically ordered five prescriptions of a controlled substance in the name of Dr. Charles Fischbein, one of the physicians who practiced in Pediatric Associates of Connecticut, without Dr. Fischbein's consent or knowledge.

**PARAGRAPH 4** of the Statement of Charges alleges that in or about the period from December 27, 1999 through March 21, 2000, Respondent abused or utilized to excess Percocet, Histinex with Codeine, and Promethazine with Codeine.

Respondent admits the allegations in Paragraphs 3 and 4 of the Statement of Charges as it pertains to Percocet and Promethazine with Codeine, but denies the allegations as it pertains to Histinex with Codeine. Transcript, February 21, 2001, pp. 5-9.

Based on its findings and respondent's admission, the Board concludes that the allegations in Paragraphs 3 and 4 of the Statement of Charges with respect to the controlled substances Percocet and Promethazine with Codeine are proven. The Board concludes that the allegations with respect to the controlled substance Histinex with Codeine were not proven.

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 . . .

The Board concludes that respondent's conduct as alleged in Paragraphs 3 and 4 of the Statement of Charges, which was proven, constitutes violations of *Conn. Gen. Stat.* §20-99(b) (2) and (5). Therefore, respondent's licensed practical nurse license is subject to disciplinary action pursuant to *Conn. Gen. Stat.* §19a-17.

**PARAGRAPH 5** of the Statement of Charges alleges that respondent's abuse of Percocet, Histinex with Codeine, and Promethazine with Codeine does, and/or may, affect her practice as a licensed practical nurse.

Respondent denies this allegation. Resp. Exh. A; Transcript, February 21, 2001, p. 8.

The Board concludes that sufficient evidence was presented to prove the allegation, that the abuse or excessive use of Percocet and Promethazine with Codeine does and/or may affect her practice as a licensed practical nurse.

***Order***

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

1. That for Paragraphs 3, 4 and 5 of the Statement of Charges, respondent's Licensed Practical Nurse license number 027781 shall remain suspended until this Memorandum of Decision becomes effective pursuant to Paragraph 5 below. Respondent's license is placed on probation for a period of three (3) years, beginning on the effective date of this decision as described in Paragraph 5 below.
2. The Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500.00).
  - A. The \$500.00 civil penalty is payable within six (6) months of the effective date of this Memorandum of Decision.
  - B. Payment of the civil penalty shall be made by certified check payable to "Treasurer, State of Connecticut" and shall be sent to:

**Department of Public Health  
Board of Examiners for Nursing  
Division of Health Systems Regulation  
410 Capitol Avenue, MS #12HSR  
P. O. Box 340308  
Hartford CT 06134-0308**
3. If any of the following conditions of probation are not met, respondent's licensed practical nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
  - A. During the period of probation the Board shall pre-approve respondent's employment or change of employment within the nursing profession. Respondent shall not accept employment as a nurse for a personnel provider service, Assisted Living Services

Agency, Homemaker-Home Health Aide Agency, or home health care agency, and shall not be self-employed as a nurse during the first and second years of the probationary period.

- B. 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 any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this decision.
- D. If employed as a nurse, respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period.
- E. The employer reports cited in Paragraph D above shall include documentation of respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph I below.
- F. Should respondent's employment as a nurse be involuntarily terminated, respondent and/or her employer shall notify the Board within seventy-two (72) hours of such termination.
- G. If respondent pursues further training in any subject area that is regulated by the Department, respondent shall provide a copy of this Memorandum of Decision to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department in writing as to 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 I below.
- H. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- I. All correspondence and reports are to be addressed to:

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

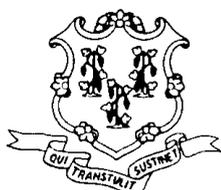
4. Any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject 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 Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take subsequent action. The 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 Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).
5. This Memorandum of Decision becomes effective on the first day of the month after this Memorandum of Decision is signed by the Board of Examiners for Nursing.

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

Dated at Wethersfield, Connecticut this 6<sup>th</sup> day of June, 2001.

BOARD OF EXAMINERS FOR NURSING

By 

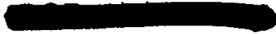


# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

July 20, 2004

Holly Cocchiola, LPN  
190 Paradise Valley Road  
Bethlehem, CT 06751

Re: Memorandum of Decision  
Petition No. 2000-0717-011-028  
License No. 027781  


Dear Ms. Cocchiola:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective July 1, 2004.

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.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process.

Very truly yours,



Bonnie Pinkerton, NC  
Division of Health Systems Regulation

cc: J. Filippone  
J. Wojick



Phone: (860) 509-7400  
Telephone Device for the Deaf (860) 509-7191  
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