

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH**

In Re: Dawn Noyce, R.N., L.P.N.

Petition Nos. 2008-0103-010-003 and
2008-0103-011-001

CONSENT ORDER

WHEREAS, Dawn Noyce (hereinafter "respondent") of Oakdale, Connecticut has been issued license number 080403 to practice as a registered nurse and license number 029089 to practice as a licensed practical nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits and acknowledges that:

1. On March 1, 2006, the Connecticut Board of Examiners for Nursing (hereinafter "the Board") ordered a Consent Order in Petition No. 2005-0705-011-023 (hereinafter "the 2005 Order") that placed respondent's licensed practical nurse license on probation for a period of four (4) years. Said disciplinary action was based on respondent's admitted diversion, during 2004 to May 2005, of Percocet, Hydrocodone/APAP and/or Oxycodone for personal use while working at Hillcrest Health Care Center, Uncasville, CT and Fountainview Care Center, Waterford, CT. Said disciplinary action was also based on respondent's admitted failure to completely, properly and/or accurately document medical or hospital records and upon falsification of one or more controlled substance receipt records.
2. Subsequent to the 2005 Order, on November 11, 2006, the Department accepted and approved a PreLicensure Consent Order in Petition No. 2006-0420-010-032 (hereinafter "the 2006 Order") that issued respondent a license to practice as a registered nurse and immediately

placed said license on probation, concurrent with the probation imposed upon her licensed practical nurse license in the 2005 Order. Said disciplinary action was based on the admissions respondent made regarding diversion and record keeping under the 2005 Order and the fact that those admissions constituted grounds for denial of her application for licensure to practice as a registered nurse pursuant to §19a-14 of the General Statutes of Connecticut.

WHEREAS, the Department alleges that subsequent to the 2005 Order and the 2006 Order, respondent:

3. While working as a nurse at St. Joseph Living Center, Windham, CT (hereinafter "SJLC"), in or about November and/or December 2007, practiced nursing below the standard of care in one or more of the following ways:
 - a. on one or more occasions, respondent exhibited erratic and/or unprofessional behavior;
 - b. on or about November 20, 2007, respondent failed to obtain an order and/or failed to properly transcribe order(s) for one or more patients;
 - c. on or about November 21, 2007, respondent appeared to be talking in a rapid and/or fragmented speech pattern and/or was falling asleep during shift report;
 - d. on one or more occasions, respondent failed to medicate patient(s);
 - e. on or about December 31, 2007, respondent used vulgar language and/or constantly talked to herself while performing a medication pass;
 - f. on or about December 31, 2007, respondent left the area several times during a change of shift narcotic count and/or took her trash from the medication cart to her car;
 - g. on or about December 31, 2007, respondent appeared disheveled, angry, hyperactive, talkative and/or unaware of what was happening on her unit; and/or

- h. on or about December 31, 2007, respondent approached a consultant psychiatrist and attempted to hug or kiss him and/or stated to him "I need a diagnosis, sociopath, bipolar, anything;" and/or
4. Violated the terms of the 2005 Order and the 2006 Order in that those orders required respondent to submit reports from her employer stating her ability to safely and competently practice nursing and on or about December 13, 2007, respondent's supervisor at SJLC issued an employer report stating that respondent came to work in an impaired state during the week of November 19, 2007. In addition, on or about January 4, 2008, respondent's supervisor at SJLC reported that respondent had again exhibited erratic and/or unprofessional behavior; that the supervisor had personally observed significant changes in respondent's personality and behavior; that these changes have affected respondent's clinical judgment and professional standards; and/or in the opinion of respondent's supervisor, respondent is not capable of practicing safely and has placed residents at risk.
5. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99(b), including but not limited to:
 - a. §20-99(b)(2);
 - b. §20-99(b)(4); and/or,
 - c. §20-99(b)(5).

WHEREAS, the Board issued an order on January 16, 2008 summarily suspending respondent's license number 080403 to practice as a registered nurse and respondent's license number ⁰²⁹⁰⁸⁹~~02089~~ to practice as a licensed practical nurse in the State of Connecticut; and

WHEREAS, the Department and respondent agree to terminate the 2005 Order and the 2006 Order and enter into this Consent Order; and

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the admitted violations in paragraphs 1 and 2 above or the allegations in paragraphs 3, 4 and 5 above at a hearing in front of the Board of Examiners for Nursing (hereinafter "the Board"). With respect to the above allegations the Department is making that occurred subsequent to the 2005 Order and the 2006 Order, respondent does not admit to having violated any statute or regulation, including but not limited to §20-99(b) of the General Statutes of Connecticut. Respondent further agrees that this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(a) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-99(a) of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to her profession.
3. Respondent's license number 080403 to practice as a registered nurse and respondent's license number 029089 to practice as a licensed practical nurse in the State of Connecticut is hereby placed on probation for four (4) years, subject to the following terms and conditions:
 - A. At her own expense, she shall engage in therapy and counseling with a Connecticut licensed or certified therapist (hereinafter "therapist") approved by the Board and the Department for the entire probationary period.
 - (1) She shall provide a copy of this Consent Order to her therapist.

- (2) Her therapist shall furnish written confirmation to the Board and the Department of his or her engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
- (3) If respondent's therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy is warranted, or that respondent should be transferred to another therapist, he or she shall advise the Board and the Department. Said termination of therapy, reduction in frequency of therapy, and/or respondent's transfer to another therapist shall not occur until approved by the Board after consultation with the Department. However, if therapy is terminated with approval of the Board, respondent's therapist shall continue to monitor her alcohol and drug free status by monitoring and reviewing the observed random urine screens for drugs and alcohol as described in paragraph 3B below, and by providing the reports described in paragraph 3C below.
- (4) The therapist shall immediately notify the Board and the Department in writing if respondent discontinues therapy and/or terminates his/her services.

B. Respondent shall not obtain or use controlled substances, legend drugs or alcohol in any form unless prescribed or recommended for a legitimate therapeutic purpose by a licensed health care professional authorized to prescribe medications. Respondent shall inform said health care professional of respondent's substance abuse history.

- (1) At her own expense, she shall submit to observed random urine screens for drugs and alcohol, in accordance with Department Requirements for Drug and Alcohol Screens, attached hereto marked as ("Attachment 'A': Department Requirements for Drug and Alcohol Screens") at a testing facility approved by the Board, after

consultation with the Department, as ordered by her therapist and/or personal physician. Laboratory reports of random alcohol and drug screens and/or any other drug or alcohol related laboratory reports, including but not limited to results of DNA testing, shall be submitted directly to the Board and the Department by ^{and Respondent} A respondent's therapist or personal physician or by the testing laboratory. All such ^{Dr} observed random drug and alcohol screens 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. ^{gutz}

- (2) Respondent shall be responsible for notifying the laboratory, her therapist, the Board, the Department and her prescribing practitioner of any drug(s) she is taking. For the prescription of a controlled substance(s) for more than two consecutive weeks, the respondent shall cause the provider prescribing the controlled substance(s) to submit quarterly reports to the Board and the Department, until such time as the controlled substance(s) are not prescribed by the provider, documenting the following:
 1. A list of controlled substances prescribed by this provider for the respondent;
 2. A list of controlled substance(s) prescribed by other providers;
 3. An evaluation of the respondent's need for the controlled substance;
 4. An assessment of the respondent's continued need for the controlled substance(s).

- (3) There must be at least one (1) such observed random alcohol/drug screen and accompanying laboratory report every week for the first and fourth years of probation; and, at least two (2) such screens and reports every month for the remainder of the probationary period.
 - (4) All screens shall be negative for the presence of drugs and alcohol.
 - (5) All positive screen results shall be confirmed by gas chromatograph/mass spectrometer (GC/MS) testing.
 - (6) Respondent is hereby advised that the ingestion of poppy seeds and mouthwash has, from time to time, been raised as a defense to a positive screen result for morphine, opiates and/or alcohol. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances or mouthwash during the term of this Consent Order. In the event respondent has a positive screen for morphine, opiates and/or alcohol, respondent agrees that the ingestion of poppy seeds and/or mouthwash shall not constitute a defense to such a screen.
- C. Respondent shall be responsible for the provision of written reports from her therapist directly to the Board and the Department for the entire probationary period; monthly for the first and fourth year of probation; and, quarterly reports for the second and third year of probation. Such reports shall include documentation of dates of treatment, an evaluation of respondent's progress in treatment and of her drug and alcohol free status as established by the observed random urine screens for drugs and alcohol, an evaluation of her ability to safely and competently practice nursing, and copies of all laboratory reports.

- D. Notwithstanding the foregoing, respondent's therapist shall immediately report to the Board and the Department any confirmed positive alcohol/drug screen and any conduct or condition on respondent's part which does or may violate any federal or state statute or regulation applicable to her profession.
- E. Respondent shall provide a copy of this Consent Order to all current and future employers for the duration of her probation.
- F. Respondent shall not be employed 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 for the period of her probation.
- G. Respondent shall not administer, count, or have access to narcotics or other controlled substances, or have responsibility for such activities in the course of her nursing duties for the first year after returning to work as a nurse.
- H. Respondent shall be responsible for the provision of written reports directly to the Board and the Department from her nursing supervisor (i.e., Director of Nursing) monthly for the first and fourth year of her probation; and quarterly for the second and third year of probation. Respondent shall provide a copy of this Consent Order to any and all employers if employed as a nurse during the probationary period. The Board and the Department shall be notified in writing by any employer(s) within fifteen (15) days of the commencement of employment as to the receipt of a copy of this Consent Order. Employer reports shall include documentation of respondent's ability to safely and competently practice nursing, and shall be issued to the Board and the Department at the address cited in paragraph 3M below.

- I. Respondent shall notify the Board and the Department in writing of any change of employment within fifteen (15) days of such change.
- J. Respondent shall notify the Board and the Department of any change in her home or business address within fifteen (15) days of such change.
- K. If respondent pursues further training or is engaged at the time of the implementation of the Consent Order, in an educational program in any subject area that is regulated by the Department, respondent shall provide a copy of this Consent Order to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department of receipt of the Consent Order within fifteen (15) days of receipt.
- L. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
- M. All correspondence and reports shall be addressed to:

Bonnie Pinkerton
Department of Public Health
Practitioner Licensing and Investigations
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

- 4. Any violation of the terms of this Consent Order without prior written approval by the Board shall constitute grounds for the Department to seek revocation of respondent's nursing license following notice and an opportunity to be heard.
- 5. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take action at a later time. The Board shall not be required to grant future extensions of time or grace periods.

6. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.
7. This Consent Order is effective on the first day of the month immediately following the month in which this Consent Order is approved and accepted by the Board. Upon the effective date of this Consent Order, the summary suspension of respondent's registered nurse license number 080403 and respondent's licensed practical nurse license number 02089 ordered on January 16, 2008 shall be vacated.
8. Respondent understands this Consent Order is a matter of public record.
9. Respondent understands this Consent Order may be considered as evidence of the above admitted violations, and that the Department's allegations concerning respondent's conduct subsequent to the 2005 Order and the 2006 Order contained in this Consent Order shall be deemed true, in any subsequent proceeding before the Board in which (1) her compliance with this same order is at issue, or (2) her compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order, except for a civil penalty, shall be reported to the National Practitioner Data Bank.
10. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a licensed practical nurse and a registered nurse, upon request by the Department, with notice to the Board, 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, 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

and Respondent
JK PJ

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 licensed practical nurse license and her registered nurse license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Board and shall be given due weight by the Board in determining whether respondent's conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

11. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's licensed practical nurse license and registered nurse license before the Board.
12. This 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 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 respondent of any other rights that respondent may have under the laws of the State of Connecticut or of the United States.
13. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. The Department and respondent understand that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.

and Respondent
JK PJ

14. This 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.
15. Respondent has had the opportunity to consult with an attorney prior to signing this document.
16. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

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I, Dawn Noyce, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Dawn Noyce RN
Dawn Noyce

Subscribed and sworn to before me this 1st day of July, 2008.

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

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 14th day of July, 2008, it is hereby accepted.

Jennifer Filippone
Jennifer Filippone, Section Chief,
Practitioner Licensing and Investigations
Healthcare Systems Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 16th day of July, 2008, it is hereby ordered and accepted.

BY: Patricia C. Buff
Connecticut Board of Examiners for Nursing



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

August 16, 2012

Dawn Noyce, RN, LPN
25 Bingham Road
Canterbury, CT 06331

Re: Consent Order
Petition Nos. 2008-0103-010-003
2008-0103-011-001
License Nos. 080403 (RN)
029089 (LPN)

Dear Ms. Noyce:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective August 1, 2012.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Consent Order.

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

Thank you for your cooperation during this process, and good luck to you in the future.

Very truly yours,

Bonnie Pinkerton, RN, Nurse Consultant
Practitioner Licensing and Investigations Section

cc: J. Filippone
J. Wojick



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