

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

Franklin Rector

Petition No. 2005-0217-012-002

RE: Advanced Practice Registered Nurse, Lic. No. 000006

MEMORANDUM OF DECISION

Procedural Background

Franklin Rector (hereinafter "petitioner") was issued registered nurse license number E43179 on September 15, 1980 and was issued advanced practice registered nurse license number 000006 on November 13, 1990.

Pursuant to Memorandum of Decision dated April 19, 1995, the Board of Examiners for Nursing (hereinafter "the Board") ordered the probation of petitioner's registered nurse license and the revocation of petitioner's advanced practice registered nurse license.

In May and September 2004, petitioner contacted the Department of Public Health inquiring as to the reinstatement of his advanced practice registered nurse license. Pursuant to Petitioner's request, the Board issued a Notice of Hearing dated February 3, 2005, scheduling a hearing for July 20, 2005. Board Exh. 1.

The hearing took place on July 20, 2005 and August 17, 2005, at the Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Petitioner was present during the hearings but was not represented by counsel. Transcript, July 20, 2005 and August 17, 2005.

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 Memorandum of Decision dated April 19, 1995, the Board ordered the revocation of petitioner's advanced practice registered nurse license and that petitioner's registered nurse license be placed on probation for a period of four (4) years. The order was based on the Board's findings that petitioner, while working as an advanced practice registered nurse at the New Britain School of Nurse Anesthesia, diverted and abused the controlled substance Propofol. Board Exh. 1.

2. Petitioner successfully completed the probation of his registered nurse license on May 1, 1999. The probation included the requirements for therapy and counseling for substance abuse and depression, and submission to random urine screening for drugs and alcohol. Board Exh. 1.
3. Following completion of the probation of his registered nurse license, petitioner continued to engage in therapy and counseling. Petitioner's psychiatrist and therapist are of the opinion that petitioner can safely return to practice as an advanced practice registered nurse. Petitioner Exh. A
5. Petitioner actively participates in Alcoholics Anonymous. Transcript, July 20, 2005, p. 15.
6. In 1998, petitioner began employment with the Capitol Region Mental Health Center, Hartford, Connecticut where he currently holds the position of Director of Homeless Services. Petitioner's employer supports his request for reinstatement of his advanced practice registered nurse license. Petitioner Exh. A.
7. On or about 2000, petitioner enrolled in a Psychiatric/Mental Health Nursing Master's Program at Saint Josephs' College, West Hartford, Connecticut. Petitioner graduated in May 2004. Petitioner Exh. A.
8. Petitioner is certified by the American Nurses Credentialing Center as an Adult Psychiatric and Mental Health Nurse Practitioner and as a Clinical Specialist in Adult Psychiatric and Mental Health Nursing. Petitioner's certifications are valid from August 1, 2004 to July 31, 2009. Petitioner Exh. A.
9. Petitioner requests reinstatement of his advanced practice registered nurse license so that he can practice in the field of mental health and addictions. Transcript, July 20, 2005, p. 9.

Discussion and Conclusions of Law

As required by the Notice of Hearing, petitioner has the burden of satisfying the Board that he is able to practice as an advanced practice registered nurse with reasonable skill and safety by presenting relevant evidence at the hearing, including the following:

1. Evidence from a licensed therapist documenting his drug free status and participation in therapy and counseling;
2. Personal references addressing his drug free status, emotional health, and work habits;
3. Documentary evidence from his 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 to sustain his burden of satisfying the Board of his ability to return to practice as an advanced practice registered nurse.

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:

Advanced Practice Registered Nurse License No. 000006, of petitioner Franklin Rector, is reinstated subject to the licensure and renewal requirements as determined by the Department of Public Health.

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

Dated at Newington, Connecticut this 15th day of March 2006.

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Bufford