CERTIFIED MAIL RETURN RECEIPT REQUESTED NO. Z175363218

Charles Rivellini
15 Rimmon Hill Road
Woodbridge, CT 06525

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

State of Connecticut Department of Public Health vs. Charles Rivellini, RN, APRN Registered Nurse License No. E50851 Advanced Practice Registered Nurse License No. 000819 Respondent.	CASE PETITION NO. 960605-010-041 960605-012-003 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 two (2) Statement of Charges and Motion for Summary Suspension dated June 14, 1996 (Department Exhibits 1 and 2). Both Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Charles Rivellini (hereinafter the "Respondent") which would subject the Respondent's Registered Nurse and Advanced Practice Registered Nurse licenses to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in both 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 June 19, 1996, the Board ordered, pursuant to its authority under §19a-17(c) of the General Statutes of Connecticut, that the Registered Nurse and Advanced Practice Registered Nurse licenses of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in both Statement of Charges (Department Exhibits 1 and 2).

The Board issued a Notice of Hearing dated June 19, 1996, scheduling a hearing for October 16, 1996 (Department Exhibits 1 and 2). The hearing took place on October 16, 1996, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Prior to the hearing the Board granted the Department's motion that the Statement of Charges pertaining to the Respondent's Registered Nurse and Advanced Practice Registered Nurse licenses be consolidated and heard at one time. (Hearing Transcript, October 16, 1996, pp. 2-3)

During the hearing on October 16, 1996, the Department orally amended the Second Count Paragraph 5 of the Statement of Charges by changing "During 1995 and/or" to "During 1989 through." (Hearing Transcript, October 16, 1996, pp. 76-77)

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. Charles Rivellini, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E50851 on March 31, 1988. The Respondent was issued Advanced Practice Registered Nurse License Number 000819 on December 10, 1993. The Respondent was the holder of both licenses at all times referenced in the Statement of Charges. (Department Exhibits 1-A, and 2)

2. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, October 16, 1996 p. 2)

3. The Respondent submitted a written answer to the Statement of Charges (Respondent's Exhibit A-1.1) and orally amended the answer to conform to the Department's amendment to the Statement of Charges. (Hearing Transcript, October 16, 1996, p. 77)

4. On or about April 1994 the Respondent began employment as certified registered nurse anesthetist at Physician Services, P.C., Danbury, Connecticut. (Respondent's Exhibit A-4.18)

5. On or about April 10, 1996, the Respondent was on duty as a certified registered nurse anesthetist at Danbury Hospital, Danbury, Connecticut. (Department Exhibit 1-B9) (Hearing Transcript, October 16, 1996, p. 24)

6. On or about April 10, 1996, while working as a certified registered nurse anesthetist at Danbury Hospital, the Respondent removed two (2) vials of the controlled substance Cocaine from a sharps bucket in an operating room in an attempt to obtain unused Cocaine. (Department Exhibits 1-B (Hearing Transcript, October 16, 1996, pp. 24-25)

7. The Respondent began using and abusing Cocaine on or about 1989. The Respondent's initial route of administration was nasally. On or about 1993 the Respondent began using Cocaine intravenously. (Hearing Transcript, October 16, 1996, pp. 33-41)

8. The Respondent began chemical dependency treatment on or about April 12, 1996. The Respondent's treatment has consisted of a partial hospitalization program, a relapse prevention program, and individual and group counseling. In addition, the Respondent has been actively participating in Narcotics Anonymous and the support group Nurses for Nurses. (Respondent's Exhibits A-2, A-4, B) (Hearing Transcript, October 16, 1996, pp. 79-80, 94-95, 109-114)

DISCUSSION AND CONCLUSIONS

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

Charles Rivellini held a valid Registered Nurse and a valid Advanced Practice Registered 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, §4-182 and §19a-17. The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 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 his license as required by the General Statutes of Connecticut §4-182(c).

The FIRST COUNT PARAGRAPH 2 of the Statement of Charges alleges on or about April 10, 1996, while working at Danbury Hospital, Danbury, Connecticut, the Respondent diverted two disposed cocaine vials which were used in prior surgical procedures at the hospital.

The SECOND COUNT PARAGRAPH 5 of the Statement of Charges, as amended, alleges that during 1989 through 1996, the Respondent has abused or excessively used cocaine.

The Respondent admits these charges. (Answer: Respondent's Exhibit A-1.1) (Hearing Transcript, October 16, 1996, p. 77)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "...(2) illegal conduct, incompetence or negligence in performing usual nursing functions...(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as alleged in the First Count and the Second Count of the Statement of Charges as amended is proven. The Board further concludes that the Respondent's conduct fails to conform the accepted standards of the nursing profession and constitutes violations of the General Statutes of Connecticut

§20-99(b)(2) and (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 First Count and the Second Count of the Statement of Charges, as amended, the Respondent's advanced practice registered nurse license, No. 000819, is suspended until July 15, 1998 and is placed on concurrent probation for a period of five (5) years.

2. That for First Count and the Second Count of the Statement of Charges, as amended, the Respondent's registered nurse license, No. E50851, is suspended until July 15, 1997 and is placed on concurrent probation for a period of five (5) years.

3. If any of the following conditions of suspension and probation are not met, the Respondent's registered nurse and advanced practice registered nurse licenses may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

   A. The Respondent shall not work as a nurse prior to July 15, 1997 and shall not work as an advanced practice registered nurse prior to July 15, 1998.

   B. The Board shall pre-approve the Respondent's employment or change of employment within the nursing profession.

   C. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse. 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 Memorandum of Decision.

D. If employed as a nurse, the Respondent shall cause monthly employer reports to be submitted to the Board by his immediate supervisor for the duration of the probationary period. Employer reports shall commence with the report due on the first business day of the month following employment as a nurse.

E. The employer reports cited in Paragraph D above shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph P below.

F. Should the Respondent's employment as a nurse be voluntarily or involuntarily terminated, the Respondent and/or his employer shall notify the Board, within seventy-two (72) hours, of such termination.

G. At his expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist during the entire period of suspension and concurrent probation.

H. The Respondent shall provide a copy of this Memorandum of Decision to his therapist. The Board shall be notified in writing by his therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.

I. The Respondent shall cause monthly evaluation reports to be submitted to the Board by his therapist during the entire period of suspension and concurrent probation. Therapist reports are due commencing with the report due on the first business day of March 1997.

J. The therapist reports cited in Paragraph I above shall include documentation of dates of treatment, and an evaluation of the Respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph P below.

K. At his expense the Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire period of suspension and concurrent probation. Submission to random alcohol/drug screening shall be ordered by his therapist, and/or personal physician, and/or the Board of Examiners for Nursing. Random alcohol/drug screens shall be legally defensible in that chain of custody procedures must be followed throughout the screening process. The Respondent shall be responsible for immediately notifying the laboratory, his therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) he is taking.

Random alcohol/drug screening shall be performed on the following schedule:

1. At least one (1) random alcohol/drug screen monthly until August 15, 1997.
2. At least two (2) random alcohol/drug screens monthly from August 15, 1997 until August 15, 1998.
3. At least three (3) random alcohol/drug screens monthly from August 15, 1998 until February 15, 2000.
4. At least one (1) random alcohol/drug screen monthly from February 15, 2000 until February 15, 2002.

Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

Random alcohol/drug screens must include testing for the following substances:

Amphetamines
Barbiturates
Benzodiazepines
Cannabinoids (THC Metabolites)
Cocaine
Meperidine (Demerol)
Methadone
Methaqualone
Opiates (Metabolites)
Phencyclidine (PCP)
Propoxyphene
Ethanol (alcohol)

Reports of random alcohol and drug screens shall be submitted directly to the Board, at the address cited in Paragraph P below, by the Respondent's therapist, personal physician or the testing laboratory.

L. The Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for him, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications. The Respondent shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.

M. The Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substance containing poppy seeds should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.

N. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.

O. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.

P. All correspondence and reports are to be addressed to:

DEPARTMENT OF PUBLIC HEALTH
BOARD OF EXAMINERS FOR NURSING
LEGAL OFFICE - MONITORING & COMPLIANCE
410 Capitol Avenue, MS #12LEG
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, will constitute a violation of probation which will be cause for an

immediate hearing on charges of violating this Order. Any finding that the Respondent has violated this Order will subject the Respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of his licenses. 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 the 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, and the period of suspension with concurrent probation of the Respondent's registered nurse and advanced practice registered nurse licenses shall commence, on February 15, 1997.

The Board of Examiners for Nursing hereby informs the Respondent, Charles Rivellini, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 5th day of February 1997.

BOARD OF EXAMINERS FOR NURSING

By _____

RVLLINI.DOC

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

March 4, 2002

Charles Rivellini, RN, APRN
15 Rimmon Hill Road
Woodbridge, CT 06525-1322

Re: Memorandum of Decision
Petition Nos. 960605-010-041
960605-012-003
APRN License No. 000819
RN License No. E50851
[redacted]

Dear Mr. Rivellini:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective February 15, 2002.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your licenses 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

Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: J. Filippone
J. Kardys

Phone: (860) 509-7400
Telephone Device for the Deaf (860) 509-7191
410 Capitol Avenue - MS # 12HSR
P.O. Box 340308 Hartford, CT 06134
An Equal Opportunity Employer