

10- E38082
12-001068



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

August 14, 2006

Barbara Duncan, RN, APRN
243 Beardsley Road
Shelton, CT 06484

Re: Consent Order as Modified
Petition No. 2002-0403-010-030
2002-0403-012-005
License Nos. E38082 R.N
001068 APRN

Dear Ms. Duncan:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective August 1, 2006.

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 as Modified.

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.

Respectfully,

A handwritten signature in black ink, appearing to read "Olive Tronchin", with a long horizontal flourish extending to the right.

Olive Tronchin, HPA
Office of Practitioner Licensing and Investigations Section

cc: Jennifer Filippone
J. Wojick



Phone: (860) 509-7400
Telephone Device for the Deaf (860) 509-7191
410 Capitol Avenue - MS # 12HSR
P.O. Box 340308 Hartford, CT 06134
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STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF HEALTHCARE SYSTEMS

In Re: Barbara Duncan, RN, APRN

Petition Nos. 2002-0403-010-030
2002-0403-012-005

MODIFICATION OF CONSENT ORDER

WHEREAS, Barbara Duncan, RN, APRN, of Shelton, Connecticut (hereinafter "respondent") entered into a Consent Order on July 17, 2002, which became effective on August 1, 2002, (a true and complete copy of which is attached hereto marked as Attachment "A"); and,

WHEREAS, respondent wishes to modify the aforementioned Consent Order;

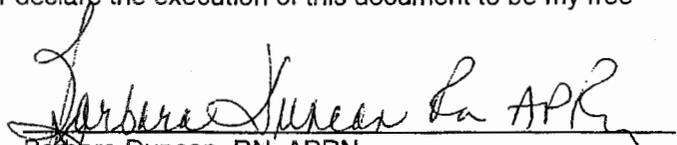
NOW THEREFORE, paragraph 3H of the Consent Order is amended by adding a second sentence as follows:

"While employed by and under the supervision of the Department of Veterans Affairs, VA Connecticut Healthcare System, respondent may make solo patient home visits."

All other remaining terms and conditions of the Consent Order remain in effect. This Modification of Consent Order is effective upon the order and acceptance of the Board.

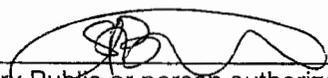
ORIGINAL

I, Barbara Duncan, have read the foregoing Modification of Consent Order, and I agree to the terms and conditions therein. I further declare the execution of this document to be my free act and deed.


Barbara Duncan, RN, APRN

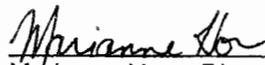
CTD# 173451595

Subscribed and sworn to before me this 27th day of MARCH 2004.


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

**My Commission Expires
April 30, 2007**

The above Modification of Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 1st day of April 2004, it is hereby accepted.


Marianne Horn, Director
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 7th day of APRIL 2004, it is hereby ordered and accepted.


Connecticut Board of Examiners for Nursing

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In Re: Barbara Duncan, R.N., A.P.R.N.

Petition Nos. 2002-0403-010-030
2002-0403-012-005

CONSENT ORDER

WHEREAS, Barbara Duncan (hereinafter "respondent") of Shelton, Connecticut has been issued license number E38082 to practice as a registered nurse and license number 001068 to practice as an advanced practice registered 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. Between approximately September through November 2001, respondent fraudulently wrote and filled prescriptions for Demerol in the names of her husband and a former patient that respondent diverted for her own use.
2. 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)(5); and/or,
 - c. 20-99(b)(6).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations at a hearing in front of the Board of Examiners for Nursing (hereinafter "the Board").

ORIGINAL

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(b) 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 his/her profession.
3. Respondent's license number E38082 to practice as a registered nurse and license number 001068 to practice as an advanced practice registered nurse in the State of Connecticut are 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 or 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.

- (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 shall be submitted directly to the Board and the Department by respondent's therapist or personal physician or by the testing laboratory. All such 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.

- (2) She shall be responsible for notifying the laboratory, her therapist, the Board, and the Department of any drug(s) she is taking.
 - (3) There must be at least one such observed random alcohol/drug screen and accompanying laboratory report every week for the first two years of probation; at least two 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 monthly written reports from her therapist directly to the Board and the Department for the entire probationary period. 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. Within ten days of the effective date of this Consent Order, respondent agrees to surrender to the issuing authorities her state and federal Controlled Substance Registrations. Respondent shall not reapply for her state or federal controlled substance registrations for the first three (3) years of the probationary period. If during the first three (3) years of the probationary period, respondent obtains approval to reapply for her state controlled substance registration from the Drug Control Division of the Department of Consumer Protection (hereinafter "Drug Control"), respondent may then request that the Department modify this Consent Order to permit her to submit such application to Drug Control. If the Department and the Board agree to so modify this Consent Order, and respondent obtains said registrations, her controlled substance prescribing, ordering, and dispensing practices shall be monitored monthly by a licensed physician or advanced practice registered nurse pre-approved by the Department (hereinafter "supervisor") for a period of one (1) year, upon issuance of said registrations, as set forth below. Respondent further agrees that if the probationary period has already terminated at the time respondent obtains such registrations, the probationary period shall be

extended or reinstated to ensure that the one (1) year period of monitoring is completed. If the probationary period is extended or reinstated to comply with this provision, no other terms of probation shall be extended or reinstated. During this period of monitoring respondent shall:

- (1) Maintain a log of all controlled substances dispensed to patients as well as all prescriptions for controlled substances, both written and authorized by phone.
- (2) Obtain, at her own expense, the services of a licensed physician or advanced practice registered nurse, licensed and practicing in the State of Connecticut and pre-approved by the Department (hereinafter "supervisor"), to conduct monthly random reviews of twenty percent (20%) or twenty of respondent's patient records, whichever is the larger number. In the event respondent has twenty or fewer patients, the supervisor shall review all of respondent's patient records. As part of such review, the supervisor shall review and compare respondent's patient records, office dispensing records, controlled substance log, and controlled substance purchase and receipt records to ensure that controlled substances have been appropriately ordered and maintained. The supervisor may monitor respondent's practice by any other reasonable means which he or she deems appropriate, and respondent shall fully cooperate with the supervisor in such additional monitoring.
- (3) Respondent shall be responsible for the supervisor providing written reports to the Department within two weeks of each monthly review. Such reports shall include: documentation of the dates and duration of meetings with respondent; the number and a general description of the patient records reviewed; a statement regarding respondent's controlled substance purchasing,

prescribing, and dispensing practices; any additional monitoring techniques utilized; and, a statement that respondent is practicing with reasonable skill and safety.

- F. Respondent shall obtain, at her own expense, the services of a licensed physician or advanced practice registered nurse, licensed and practicing in the State of Connecticut and pre-approved by the Department (“medications supervisor”), to conduct a monthly review of all medications ordered, purchased and/or prescribed by respondent and respondent shall be responsible for the provision of written reports directly to the Board and the Department from her medications supervisor monthly with respect to said medication review for the first year of her probation. As part of such review, the medications supervisor shall review and compare respondent's patient records, office dispensing records and purchase and receipt records to ensure that medications have been appropriately ordered and maintained. The medications supervisor may monitor respondent’s practice by any other reasonable means which he or she deems appropriate, and respondent shall fully cooperate with the medications supervisor in such additional monitoring. Such medications supervisor reports shall include: documentation of the dates and duration of meetings with respondent; the number and a general description of the patient records reviewed; a statement regarding respondent’s medication purchases, prescription and dispensing practices; any additional monitoring techniques utilized; and, a statement that respondent is practicing with reasonable skill and safety.
- G. Respondent shall provide a copy of this Consent Order to all current and future employers for the duration of her probation.

- H. 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.
- I. 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 of the probationary period.
- J. 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 duration of her 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 30 below.
- K. Respondent shall notify the Board and the Department in writing of any change of employment within fifteen (15) days of such change.
- L. Respondent shall notify the Board and the Department of any change in her home or business address within fifteen (15) days of such change.
- M. 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.

- N. 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.
- O. All correspondence and reports shall be addressed to:

Bonnie Pinkerton
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

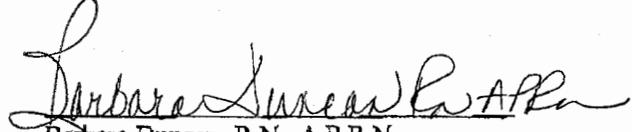
- 4. Any violation of the terms of this Consent Order without prior written approval by the Board shall constitute grounds for the Department to seek revocation of respondent's nursing license following notice and an opportunity to be heard.
- 5. Any extension of time or grace period for reporting granted 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 the Licensure and Registration Section of the Division of Health Systems Regulation 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.
- 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 in any proceeding before the Board in which (1) her compliance with this same Consent Order is at issue, or (2) her compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue.
10. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a registered and/or advanced practice 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 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 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 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.
14. Respondent has had the opportunity to consult with an attorney prior to signing this document.

I, Barbara Duncan, have read the above Consent Order, and I agree to the terms set forth therein.

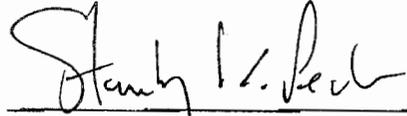
I further declare the execution of this Consent Order to be my free act and deed.


Barbara Duncan, R.N., A.P.R.N.

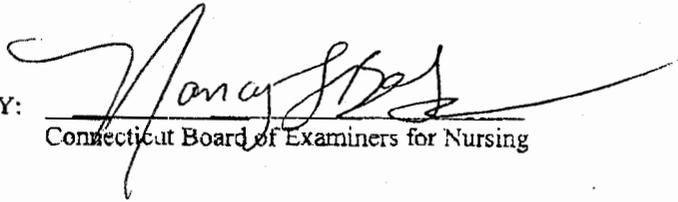
Subscribed and sworn to before me this 1st day of July, 2002.


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 2nd day of July,
2002, it is hereby accepted.


Stanley K. Peck, Director, Legal Office
Bureau of Regulatory Services

The above Consent Order having been presented to the duly appointed agent of the Connecticut
Board of Examiners for Nursing on the 17 day of July, 2002, it
is hereby ordered and accepted.

BY: 
Connecticut Board of Examiners for Nursing