STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING SECTION

October 20, 2011

Robin Teplica
21 Dana Road
Danbury CT 06811

CMRRR # 91 7108 2133 3932 0602 5339
First Class Mail

Matthew Antonetti, Principal Attorney
Legal Office - MS#12LEG
Department of Public Health
410 Capitol Avenue
P. O. Box 340308
Hartford CT 06134-0308

Via E-Mail

RE: Robin Teplica, D.H. **Petition No. 2011-471**

Dear Ms. Teplica and Attorney Antonetti:

Enclosed please find a copy of the Final Memoranda of Decision rendered by Hearing Officer Stacy Owens on October 20, 2011 in the above-referenced case.

Respectfully,

Janice E. Wojick, Hearings Liaison
Public Health Hearing Section, MS#13PHO
Tel. (860) 509-7648 FAX (860) 509-7553

c: Jewel Mullen, M.D., M.P.H., M.P.A., Commissioner
Lynn Rioux, Paralegal Specialist II, Office of the Attorney General
Wendy H. Furniss, Branch Chief, Healthcare Systems
Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations
Bonnie Pinkerton, RN, Nurse Consultant

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
Public Hearing Office

Robin Teplica, Dental Hygienist
License No.: 006107

Petition No.: 2011-471

MEMORDANDUM OF DECISION

Procedural Background

On August 10, 2011, the Department of Public Health ("the Department") presented a Statement of Charges ("the Charges") and a Motion for Summary Suspension to the undersigned, appointed Hearing Officer against Connecticut Dental Hygienist license number 006107 held by Robin Teplica ("respondent"). Rec. Exhs. 1,2,3.

The Charges allege that respondent's license is subject to disciplinary action pursuant to the Connecticut General Statutes ("the Statutes") §20-126o, including but not limited to §§20-126o(a) (2), (3), and (9). Rec. Exh. 1. The Motion for Summary Suspension was based on the Department's information and belief that respondent's continued practice represented a clear and immediate danger to the public health and safety. Rec. Exh. 3.

On August 12, 2011, pursuant to §§ 4-182(c) and 19a-17(c) of the Statutes, the undersigned granted the Department's Motion and summarily suspended respondent's license pending a final determination on the allegations contained in the Charges.

The Department served the Motion for Summary Suspension, Charges, Summary Suspension Order and Notice of Hearing via certified mail, return receipt requested, first class mail, and State Marshal. Rec. Exhs. 4, 5, 6. The Notice of Hearing directed respondent to appear before a duly authorized panel of the Board on August 22, 2011, for a formal hearing on the allegations contained in the Charges.

An administrative hearing was held on August 22, 2011, in accordance with Connecticut General Statutes Chapter 54 and Regulations §§19a-9-1 *et seq.* Respondent appeared *pro se*; Attorney Matthew Antonetti represented the Department. Both parties were given the opportunity to present evidence and argument on all issues and to conduct cross-examination. Respondent orally answered the Charges at the hearing.

This Memorandum of Decision is based entirely on the record and sets forth this Hearing Officer's findings of fact, conclusions of law and order. To the extent the findings of fact

actually represent conclusions of law, they should be so considered, and vice versa. *SAS Inst., Inc. v. S&H Computer Systems, Inc.*, 605 F. Supp. 816 (M.D. Tenn 1985).

Allegations

1) In paragraph 1 of the Charges, the Department alleges that respondent is, and has been at all times referenced in the Charges, the holder of Connecticut dental hygienist license number 006107.
2) In paragraph 2 of the Charges, the Department alleges that during the course of approximately January 2010 through approximately March 2011, respondent wrote fraudulent prescriptions of the controlled substance Vicoprofen (hydrocodone/Ibuprofen) utilizing the name of her employer dentist.
3) In paragraph 3 of the Charges, the Department alleges that respondent abused and/or utilized to excess controlled substances, including Vicoprofen.
4) In paragraph 4 of the Charges, the Department alleges that respondent's abuse or excessive use of controlled substances does and/or may impact respondent's practice as a licensed dental hygienist.
5) In paragraph 5 of the Charges, the Department alleges that respondent's actions constitute grounds for disciplinary action pursuant to §20-126o.

Findings of Fact

1) Respondent is, and has been at all times referenced in the Charges, the holder of dental hygienist license number 006107. Tr. 8/22/11 p. 8.
2) During the course of approximately January 2010 through approximately March 2011, respondent wrote fraudulent prescriptions for the controlled substance Vicoprofen, Hydrocodone/Ibuprofen, utilizing the name of her employer dentist. Tr., p. 9.
3) Respondent abused and utilized to excess controlled substances, including Vicoprofen. Tr., p. 9, Dept. Exh. 1 pp. 4, 9-35.
4) Respondent's abuse and excessive use of controlled substances may impact Respondent's practice as a licensed dental hygienist. Tr., p. 9.
5) Respondent currently attends one group meeting per week, Narcotics Anonymous. Tr. 8/22/11 pp. 41-42, 50-51.

Discussion and Conclusions of Law

Section 20-126o(a) provides, in pertinent part that:

> ... The Department of Public Health may take any of the actions set forth in section 19a-17 for any of the following causes: . . . (2) illegal conduct; (3) negligent, incompetent or wrongful conduct in professional activities; . . . (9) abuse or excessive use of drugs, including alcohol, narcotics or chemicals. . . .

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Swiller v. Comm'r of Public Health*, CV-950705601, Superior Court, J.D. Hartford/New Britain at Hartford, October 10, 1995;); *Goldstar Medical Services, Inc., et al. v. Department of Social Services,* 288 Conn. 790 (2008); *Steadman v. SEC*, 450 U.S. 91, 101 S. Ct. 999, *reh'g den.*, 451 U.S. 933 (1981). The Department sustained its burden of proof with regard to all allegations set forth in paragraphs 1 through 5 of the Charges.

Respondent has admitted to engaging in conduct that violates §20-126o of the Connecticut General Statutes, as alleged in the Charges. Tr., pp. 8-9. By using her employer's prescription pad and forging her employer's signature, respondent "illegally," "wrongfully," "fraudulently," and "deceptively" obtained the prescription drug Vicoprofen, Hydrocodone/Ibuprofen, in the course of her professional activities, in violation of subsections (2), (3), and (7) of §20-126o(a) of the Connecticut General Statutes.

Respondent admits to abusing and/or utilizing to excess, Vicoprofen, but no other controlled substances. Tr., p. 9. Upon investigation and receipt of respondent's prescription profiles and copies of prescriptions from five pharmacies, the Department sustained its burden of proof by a preponderance of the evidence with regard to the allegation that respondent abused and/or utilized to excess controlled substances, including Vicoprofen. From January 21, 2010 through March 20, 2011, respondent passed 36 prescriptions for Vicoprofen in quantities of 20 or 25, and 18 of those prescriptions had one refill. All prescriptions were dispensed. Respondent obtained approximately 1,280 Vicoprofen tablets via fraudulent prescriptions. None of the prescriptions were authored by the respondent's employer. Respondent was taking 4 to 5 tablets of Vicoprofen a day. Dept. Exh. 1 pp. 4-5. In a sworn, written statement admitting to her actions, respondent admitted that she was desperate to self-medicate due to chronic pain resulting from a misdiagnosis over a lengthy period of time. Dept. Exh. 1 pp. 6-7. Respondent's testimony supported this statement and she also admitted to her addiction. Tr., pp. 9-10, 15, 36-

39, 42, 45-46. This substantial evidence more than meets the Department's burden of proof to establish that respondent abused and/or utilized to excess controlled substances, including Vicoprofen, in the course of her professional activities, in violation of subsection (9) of §20-126o(a) of the Connecticut General Statutes

Respondent admitted that her use of controlled substances does and/or may impact respondent's practice as a licensed dental hygienist, thereby admitting to the Charge alleged in paragraph 4 of the Statement of Charges. Tr., p. 9.

Respondent has admitted to her actions, takes responsibility, and has stated and testified that now that she has been diagnosed accurately she no longer has to self-medicate and will follow a controlled pain management regiment. Dept. Exh. 1 pp. 6-7, Tr., pp. 41, 45-46, 51, 54, 62. Respondent has been obtaining urine screens, which have been negative for non-prescribed controlled substances, although this fact is unsubstantiated. Tr., pp. 12, 20. Respondent has not had any criminal charges against her. Tr., p. 51. Respondent has been attending weekly group Narcotics Anonymous meetings. Tr., pp. 41-42, 51. However, respondent does not see or understand the need to seek outside therapy or counseling. Although it was suggested to her, she sees financial problems with doing so, but more importantly she believes it is unnecessary given that she is now properly diagnosed, will no longer self-medicate because she will effectively manage her pain, and she knows how she got herself in this position and how to move forward. Tr., pp. 42-43, 49-52, 57, 61.

Respondent is currently unemployed. Tr., pp. 18, 48-49. She has admitted to all but one of the Charges and has expressed a sincere regret for her misconduct, a desire to continue to work in her profession, and a commitment to remain drug free. She wants to return to work, but admits that she physically could not return to work full-time. Tr., pp. 46-47. These factors have been given serious consideration in the issuance of this Order.

Order

Based upon the record in this case, the above findings of fact and conclusions of law, and pursuant to Conn. Gen. Stats. §§19a-17 and 20-126o, it is hereby ordered in the case of Robin Teplica, dental hygienist license number 006107, Petition number 2011-471:

1. The summary suspension imposed on respondent's license on August 12, 2011, is hereby lifted.

2. Respondent's license number 006107 shall be placed on probation for a period of one (1) year upon execution of this Decision under the following terms and conditions:
   a. Within 45 days from the date of this Decision, respondent shall participate in regularly scheduled therapy at her own expense with a licensed psychiatrist or psychologist pre-approved by the Department ("therapist").
   b. Respondent shall provide a copy of this Decision to her therapist.
   c. Respondent's therapist shall furnish written confirmation to the Department of his or her engagement in that capacity and receipt of a copy of this decision within fifteen (15) days of receipt.
   d. If the therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy sessions is warranted, or that respondent should be transferred to another therapist, the therapist shall advise the Department, and the Department shall pre-approve said termination of therapy, reduction in frequency of therapy sessions, and/or respondent's transfer to another therapist.
   e. The therapist shall submit monthly reports during the duration of the one (1) year of probation, which shall address, but will not necessarily be limited to, respondent's ability to practice as a dental hygienist in a substance free state safely and competently. Said reports shall continue until the therapist determines that therapy is no longer necessary or the period of probation has terminated.
   f. The therapist shall immediately notify the Department in writing if the therapist believes respondent's continued practice poses a danger to the public, or if the respondent discontinues and/or terminates therapy.
3. During the entire probationary period, respondent shall refrain from the ingestion, inhalation, injection or other use of any controlled substances and/or legend drugs unless prescribed or recommended for a legitimate purpose by a licensed health care professional authorized to prescribe medications. In the event a medical condition arises requiring treatment utilizing controlled substances or legend drugs, respondent shall notify the Department and, upon request, provide such written documentation of the treatment as is deemed necessary by the Department

a. During the first six (6) months of the probationary period, respondent shall submit to six (6) random observed urine screens per month for controlled substances and legend drugs; during the last six months respondent shall submit to such screens on a weekly basis. Respondent shall submit to such screens on a more frequent basis if requested to do so by the therapist or the Department. Said screens shall be administered by a facility approved by the Department. All such random screens shall be legally defensible in that the specimen donor and chain of custody shall be identified throughout the screening process. All laboratory reports shall state that the chain of custody procedure has been followed.

b. Respondent shall cause to have the facility provide monthly reports to the Department on the urine screens for controlled substances and legend drugs. All such screens shall be negative for controlled substances and legend drugs, except for medications prescribed by respondent's physician. If respondent has a positive urine screen, the facility shall immediately notify the Department. All positive random drug screens shall be confirmed by gas chromatograph/mass spectrometer testing.

c. Respondent understands and agrees that if she fails to submit a urine sample when requested by her monitor, such missed screen shall be deemed a positive screen.

d. Respondent shall notify each of her health care professionals of all medications prescribed for her by any and all other health care professionals.

4. Respondent shall attend "anonymous" or support group meetings on an average of four (4) times per month, and shall provide monthly reports to the Department concerning her record of attendance.

5. During the period of probation, respondent shall report to the Department any arrest under the provisions of Connecticut General Statutes section 14-227a. Such report shall occur within fifteen (15) days of such event.

6. Respondent shall provide her employer at each place where respondent practices throughout the probationary period with a copy of this Decision within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of employment at a new facility. Respondent agrees to provide reports from such employer monthly for the

year of probation, stating that respondent is practicing with reasonable skill and safety and in a substance free state.

7. Respondent shall obtain written approval from the Department prior to any change in employment.

8. During the probationary period, respondent shall, at her own expense, consult a physician, pre-approved by the Department, on a quarterly basis (or more frequently at the discretion of said physician) for purposes of assessing respondent's physical health. Said physician shall submit written reports to the department on a quarterly basis stating that respondent can practice as a dental hygienist with reasonable skill and safety.

9. Respondent shall pay all costs necessary to comply with this Order.

10. All correspondence is to be addressed to:

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

11. Respondent' s failure to comply with this Order may result in additional Charges against respondent's license and disciplinary action, up to and including, revocation.

12. This Order shall become effective upon signature of the Hearing Officer.

Stacy M. Owens, Esq. Hearing Officer

10/20/2011
Date

CERTIFICATION

I hereby certify that, pursuant to Connecticut General Statutes Section 4-180(c), a copy of the foregoing final Memorandum of Decision was sent this 20th day of October, 2011 certified mail return receipt requested to:

Robin Teplica
21 Dana road
Danbury CT 06811

and by E- Mail to:

matthew.antonetti@ct.gov
Matthew Antonetti, Principal Attorney
Legal Office, MS#12LEG
Department of Public Health
410 Capitol Avenue
P. O. Box 340308
Hartford CT 061343-0308

Janice E. Wojick, Hearings Liaison