

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

In Re: Theresa Timoteo

Petition No. 2001-0228-028-001

CONSENT ORDER

WHEREAS, Theresa Timoteo (hereinafter "respondent") of Meriden, Connecticut has been issued license number 000148 to practice as a radiographer by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 376c of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. At all relevant times, respondent was employed as a radiographer by Bradley Memorial Hospital in Southington, Connecticut.
2. On February 7, 2001, the Board of Examiners for Nursing approved a Consent Order (hereinafter the "BOEN Order") restricting the registered nurse license of respondent, by which respondent admitted and acknowledged that in or about June 2000 to approximately September 13, 2000, while working as a registered nurse at St. Mary's Hospital, she:
 - a. diverted the controlled substances Demerol, morphine, Dilaudid, Ativan and Percocet from hospital stock for her own use;
 - b. failed to completely, properly and/or accurately document medical or hospital records;
 - c. falsified one or more Controlled Substance Receipt Records; and,
 - d. abused or utilized to excess Demerol, morphine, Dilaudid, Ativan and Percocet.
3. Respondent's abuse of Demerol, morphine, Dilaudid, Ativan and Percocet does, and/or may, affect her practice as a radiographer.
4. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-74cc.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for the purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-14, and 20-74cc of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-74cc 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 000148 to practice as a radiographer in the State of Connecticut is hereby placed on probation for four years, to run concurrently with the probation pursuant to the BOEN Order, 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 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 to 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 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 Department. However, if therapy is terminated with approval of the Department, 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 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.
- (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 Department, as ordered by her therapist and/or personal physician. Laboratory reports of random alcohol and drug screens shall be submitted directly to 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 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 written reports from her therapist directly to the Department for the entire probationary period; monthly for the duration 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 as a radiographer, and copies of all laboratory reports.

- D. Notwithstanding the foregoing, respondent's therapist shall immediately report to 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 be responsible for the provision of written reports directly to the Department from her radiography supervisor monthly for the duration of the probationary period. Respondent shall provide a copy of this Consent Order to any and all employers if employed as a radiographer during the probationary period. 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 radiography, and shall be issued to the Department at the address cited in paragraph 3K below.
- G. Respondent shall notify the Department in writing of any change of employment within fifteen (15) days of such change.
- H. Respondent shall notify the Department of any change in her home or business address within fifteen (15) days of such change.
- I. 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.

J. 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.

K. 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 Department shall constitute grounds for the Department to seek revocation of respondent's radiographer license following notice and an opportunity to be heard.
5. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department's right to take action at a later time. The Department 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 Department.
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 Department in which (1) her compliance with

this same Consent Order is at issue, or (2) her compliance with §20-74cc 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 radiographer, upon request by the Department, 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 her failure to cooperate with the Department's investigation shall be considered by the Department and shall be given due weight by the Department 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). Respondent understands that the Department 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.
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 has had the opportunity to consult with an attorney prior to signing this document.

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I, Theresa Timoteo, 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.

Theresa Timoteo RT(R)
Theresa Timoteo

Subscribed and sworn to before me this 21st day of May, 2001.

Marilyn Clark Pellett
~~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 28th day of June, 2001, it is hereby accepted.

Debra Turcotte
~~Kathleen Zarrella~~, Director
Division of Health Systems Regulation
Debra Turcotte

S: mil/timoteo2/legal/co. 3/01



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

March 30, 2005

Theresa Timoteo, RN, Radiographer
215 Gale Avenue
Meriden, CT 06450-6412

Re: Consent Orders
Petition No. 2000-1019-010-068 & 2001-0228-028-001
License Nos. 061883 & 000148
DOB: 3/22/54

Dear Ms. Timoteo:

Please accept this letter as notice that you have satisfied the terms of your two license probations, effective March 1, 2005.

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 Orders.

Please be certain to retain this letter as documented proof that you have completed your license probations.

Thank you for your cooperation during this process.

Very truly yours,

Bonnie Pinkerton, RN, Nurse Consultant
Division of Health Systems Regulation

cc: J. Filippone
J. Wojick
Ethics Committee, American Registry of Radiologic Technologists



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