

AGENDA
BOARD OF EXAMINERS FOR NURSING
Department of Public Health
410 Capitol Avenue, Hartford, CT
May 19, 2021 - 8:30 AM

Chair Updates
Open Forum
Additional Agenda Items and Reordering of Agenda
National Council of State Boards of Nursing - Update

SCHOOL ISSUES

- Connecticut League for Nursing Virtual RN Refresher Course
- Update on the NCLEX test results- Sacred Heart University and Quinnipiac University
- NCLEX test results - 05/01/2020 to 04/30/2021

CONNECTICUT LEAGUE FOR NURSING – Monthly Update

SCOPE OF PRACTICE

April 2021 Summary

MEMORANDUM OF DECISION

- Dana Gibson, RN License Reinstatement
- Allyson Allen, LPN Petition No. 2020-787
- Colleen Gallagher, LPN Petition No. 2020-76

DPH MOTION FOR RECONSIDERATION

- Nicholas Lewonczyk, LPN Petition No. 2017-50 Staff Attorney Diane Wilan

MOTIONS FOR SUMMARY SUSPENSION

- Adrienne Delucia, RN Petition No. 2021-317 Staff Attorney Joelle Newton

CONSENT ORDERS

- Maryann Connelly, RN Petition No.: 2019-1227 Staff Attorney Joelle Newton
- Stephanie Kennedy, RN Petition No. 2020-606 Staff Attorney Linda Fazzina
- Tracy Maluk, RN Petition No.: 2020-1223 Staff Attorney Joelle Newton
- Channelle Walker, RN (*Consent Order / Reinstatement Consent Order*)
Petition No. 2019-640; 2021-290 Staff Attorney Diane Wilan

HEARINGS

- Stacey Kinsley, RN Petition No. 2020-972 Staff Attorney Joelle Newton
- David Martin, RN Petition No. 2021-242 Staff Attorney Linda Fazzina
- Denise Ambrose, LPN Petition No. 2019-751 Staff Attorney Brittany Petano
- Daniel O'Brien, R.N. Petition No. 2018-791 Staff Attorney Diane Wilan
- Pamela Franklin, RN Petition No. 2020-1211 Staff Attorney Linda Fazzina
- Amanda L. Claffey, RN Petition No. 2021-284 Staff Attorney Joelle Newton

This meeting will be held by video conference. via Microsoft Teams

Join on your computer or mobile app

[**Click here to join the meeting**](#)

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BOEN meeting 05/19/2021

Review of the Connecticut League for Nursing (CLN) RN Refresher Course:

The CLN Virtual RN Refresher Course was last reviewed by the BOEN in 03/2016. These 17 weeklong on-line course consists of four modules- two didactic and two virtual clinical and offers five cohorts per year. Also provided are recent participant statistics and evaluations, and areas for continued quality improvement.

Update on the NCLEX test results- regarding Sacred Heart University & Quinnipiac University:

Changes have been made as requested for the candidates (for the period from 05/01/2019 to 04/30/2020):

Sacred Heart University: from 92 % to 95 %

Quinnipiac University, Accelerated: from 94% to 96%

NCLEX test results for 05/01/2020 to 04/30/2021:

Please note: During the 06/17/2020 meeting the BOEN placed the University of Connecticut's Stamford campus on Conditional Approval and their NCLEX test results are now 96%.

Smith, Helen

From: Peggy Mallick <peggy@ctleaguefornursing.org>
Sent: Monday, May 3, 2021 12:28 PM
To: Smith, Helen
Cc: marcia proto
Subject: Additional Info. for CLN's Follow-up Report on our RN Refresher Course- May 19th CT Board of Nursing Meeting
Attachments: CLN RN Refresher Course General Syllabus.doc
Importance: High

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Helen,

Attached is the Syllabus for the RN Refresher Course.

Additional information:

- RN Refresher Course is a faculty-led course and is 100% online.
- There are four (4) interactive Modules in each Cohort and we offer 5 Cohorts a year. Two “theory” Modules utilizing case studies, current articles and group work to compliment the nursing curriculum- two assignments per week; Two “clinical” Modules utilizing Virtual Clinical Excursions.
- The course is 17-weeks in length and the time commitment is approximately 15-20 hours per week.
- The computer requirement for the course is a computer and access to the internet.
- The total cost of the Course is \$2,600, plus the cost of the books (approx. \$400). The participants have the option of paying for each Module individually.

Course Eligibility:

- Current licensure as a Registered Nurse (RN);
- If participant does not have a current RN license, and has not actively practiced for three to five years, participants should contact the Licensure Board in the state in which they wish to re-enter practice to determine the criteria and process for re-licensure in their state before enrolling in this course;
- Some participants choose to take the course because after graduating from nursing school they have not successfully passed NCLEX and they choose to take the course as a Refresher to help pass NCLEX exam.

Please let us know if you need additional information.

Peggy Mallick
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CONNECTICUT LEAGUE FOR NURSING

Virtual RN Refresher Course

General Syllabus

This four-module Virtual RN Refresher course is designed for inactive nurses who wish to return to staff level positions on general medical-surgical units of hospitals, long-term care facilities, home care or other health care agencies after being away from practice for three to five years or more. Students who complete all four modules will earn 90 contact hours.

Objectives:

Upon completion of the course the student will:

1. Reinforce and/or update previous knowledge about basic concepts and skills applicable in the care of patients experiencing a variety of health care problems
2. Reinforce and/or update previous knowledge about the physiological and psychosocial aspects and the contemporary medical/surgical, pharmacological, and nursing regimens of selected health care problems
3. Demonstrate decision making and critical thinking skills in a virtual hospital setting
4. Develop self confidence to return to active nursing practice

Prerequisites: Previous or current licensure as a registered nurse (RN)

Module Descriptions:

Module One - (Theory)

This module addresses basic concepts and skills applicable in the care of patients experiencing a variety of health care problems. Concepts explored include the nature of the health care delivery system; infection control; application of the nursing process in nursing practice and patient education; nursing care of older adults; legal and ethical issues in health care; nursing care of the patient experiencing surgery; nursing care for patients with fluid/electrolyte and nutritional imbalances; nursing care for patients experiencing pain; nursing care for patients with cancer.

(Contact Hours: 30)

Module Two - (Clinical)

In this module, students apply concepts reviewed in module one and use decision making and critical thinking skills in caring for patients in a virtual hospital setting. The virtual hospital has realistic architecture and access to patient rooms, a nurse's station and a medication room. Students work with multiple complex patient simulations and also learn to access information resources (including an electronic health record) that are essential for high quality patient care. The clinical experiences of this module focus on cultural aspects of care; fluid balance; electrolyte imbalances; pain; perioperative care; blood transfusions; cancer; and end-of-life care.

(Contact Hours: 15)

Module Three - (Theory)

This module addresses selected health problems affecting the respiratory, cardiac, metabolic, renal, immunologic, gastrointestinal, neurological and musculoskeletal systems for which there have been recent therapeutic advances. In each instance, the physiological and psychosocial aspects of the problem are explored, and the contemporary medical/surgical, pharmacological, and nursing regimens are described. **(Contact Hours: 30)**

Module Four - (Clinical)

In this module, students apply concepts reviewed in module three and use decision making and critical thinking skills in caring for patients in a virtual hospital setting. The virtual hospital has realistic architecture and access to patient rooms, a nurse's station and a medication room. Students work with multiple complex patient simulations and also learn to access information resources (including an electronic health record) that are essential for high quality patient care. The clinical experiences of this module focus on care of patients with asthma; emphysema and pneumonia; pulmonary embolism; acid-base balance; atrial fibrillation; hypertension; diabetes; intestinal obstruction and colorectal cancer; and total knee replacement.

(Contact Hours: 15)

Textbooks:

Ignatavicius, D., & Workman, L. (2018). Medical-Surgical Nursing, 9th edition, St. Louis, MO: Elsevier

Perry A., Potter P., & Ostendor W., (2017). Clinical Nursing Skills and Techniques, 9th Edition

Vallerand, A., & Sanoski, C. (2018). Davis's Drug Guide, 16th edition. Philadelphia, PA: F.A. Davis and Company

Simulations - VCE - Digital Workbook :

Virtual Clinical Excursions Online eWorkbook for Medical-Surgical Nursing, 9th Edition by Donna D. Ignatavicius

Learning Methods:

In the two theory modules, students will engage in self-study methods including reading, internet, and skills video assignments. In addition, they will complete self assessment quizzes and discussion board assignments that ask them to analyze patient care case studies and interact with their fellow classmates for shared learning.

In the two virtual clinical modules, meaningful real-world problems place students in nursing scenarios where they can set priorities for care, collect data, analyze and interpret data, and reach conclusions about complex problems within a health-illness transition. The virtual format encourages active learning and provides opportunities to identify information to collect and process data for evidence-based patient care; work with data entry and retrieval screens; optimize use of available information resources; understand hospital information systems; manage

information for decision making; and maintain and improve computing skills. Each clinical experience will be followed by a post clinical conference in a discussion board forum.

Evaluation Methods:

In the two theory modules, evaluation of learning will be through satisfactory completion of the self assessment quizzes and the discussion board assignments/interactions. The grade will be posted as Pass/Fail

In the two virtual clinical modules, evaluation of learning will be through satisfactory completion of the Virtual Clinical Excursion assignments, medication administration scorecards and the discussion board forum assignments/interactions. The grade will be posted as Pass/Fail

The Connecticut League for Nursing is approved as a provider of nursing continuing professional development by the Connecticut Nurses' Association, an Accredited Approver by the American Nurses Credentialing Center's Commission on Accreditation.

Disclosures:

The faculty have no conflicts of interest for the content of this course, nor a financial relationship with any commercial interest pertinent to the content of this educational activity.



**CLN 100% Online RN Refresher Course
Follow-Up Report to CT State Board of Nursing
To Be Presented on May 19, 2021 by Marcia B. Proto, M.Ed, CAS**

The Connecticut League for Nursing (CLN) is proud to have offered the RN Refresher Course to support the re-entry of nurses into practice for the past 20 years, and as you know, CLN transitioned this Course to a 100% online format in August 2010. This Course consists of four (4) individual modules- two didactic and two virtual clinical modules.

The 4-module online enduring RN Refresher Course had been offered collaboratively from 2001 to 2010 in a hybrid module of online and on ground modules and from 2010 to 2015 in a 100% online format in which Charter Oak State College (COSC) offered the Continued Education units for the Course participants.

In 2015, CLN took sole responsibility of the RN Refresher Course and utilized CLN's Account with Moodle (E-Expert Learning) Online Platform to deliver the Course modules. CLN engaged the Northeast Multistate Division (NEMSD) to approve up to (90) contact hours in nursing which were awarded to students completing the (4) modules via the American Nurses Credentialing Center (ANCC). This transfer to the CLN Moodle Account was initiated based on COSC modifying the format in which they offered online education to an 8-week cycle for their course offerings that did not "sync" with the delivery of the CLN RN Refresher Course. In January of 2017 for more efficient operations and coordination of all the online education provided by CLN's Approved Provider Unit for Continuing Education, it was decided to bundle our online continuing education offerings with the CT Nurses' Association in collaboration with the American Nurses Credentialing Center (ANCC).

The virtual clinical modules utilize the resources of the Virtual Clinical Excursions for Medical Surgical Nursing software and accompanying exercises, published by Elsevier, as the source of the student learning in a virtual hospital. The virtual environment is an expanding and exciting role in nursing education and continuing education.

In this report, we are showcasing our most recent completed cohorts of the 17-week RN Refresher Course which are Cohort #22 A&B and Cohort 23.

Participant Statistics & Evaluation:

Cohort #22 (August 24, 2020 – December 20, 2020)

Due to the increased volume of students, we aligned the participants into two separate groups for this Cohort (Group A & Group B) and each group had their own set of evaluations. Data is reported by Group:

Group A - There were eleven (11) students in Group A who completed all four (4) modules of the RN Refresher Course. Surveys were sent to all 11 participants using Qualtrics after the completion of **each** module. There was a total of ten (10) responses obtained for a response rate of 90%. Overall, student evaluations of and comments about the RN Refresher Course remain highly positive. Nine of the 10 participants who completed the evaluation rated the Course a 4+ out of 5 stars.

Participant Comments:

- The convenience of being able to do clinicals at times that fit my busy schedule; To have nice and helpful instructors who are full of encouragement, patience, and understanding; A virtual alternative in these uncertain times.
- I like how this Module built on the last Modules: Medication administration, videos with nurse/client interaction, patient chart review, and the ability to review charts and take as much time as needed, plus the interact with other students.

Group B – There were thirteen (13) participants in Group B who completed all four (4) modules of the RN Refresher Course. Surveys were sent to all 13 participants using Qualtrics after the completion of **each** module. There was a total of thirteen (13) responses obtained for a response rate of 100%. Overall, student evaluations of and comments about the RN Refresher Course remain highly positive. Twelve of the 13 students who completed the evaluation rated the Course a 4+ out of 5 stars.

Participant Comments:

- I really enjoyed using critical thinking skills with use of the virtual hospital and virtual patients.
- The virtual platform in these courses contains everything you need to effectively care for these patients.
- I learned so much from this course. I like the staggered learning styles (switching between the different modules). The questions asked in the clinical really helped with critical thinking and a deeper understanding of the material.

Cohort #23 (October 19, 2020 – March 7, 2021)

There were twelve (12) participants in this Cohort who completed all four (4) modules of the RN Refresher Course. Surveys were sent to all 12 participants using Qualtrics after the completion of **each** module. There was a total of 12 responses obtained for a response rate of 100%. Overall, student evaluations of and comments about the RN Refresher Course remain highly positive. All twelve (12) of the students who completed the evaluation rated the Course a 4+ out of 5 stars.

Participant Comments:

- My favorite part of the entire course has been the virtual hospital assignments. I liked how they drove home the information we reviewed in the previous modules. The complexity of the patients that were presented, in addition to questions that were geared to getting us to look at the whole picture. The questions were designed to simulate real-world experience and I think that having us assess the patient physically, as well as considering potential complications, reviewing labs, physician orders, medications and doing math problems, reinforced critical thinking.
- As the course progressed, I enjoyed it more and more. This is an excellent review, not only of pathophysiology and nursing care, but it has really helped me envision care planning, decision-making, and negotiating difficult situations with more confidence. It has also instilled excitement to get back into nursing! Thank you both very much!
- The VCE's were great exposure to complex clinical situations that can't be replicated in real time patient care.

Summary of Student Evaluations & Areas for Continued Improvement

Evaluations:

A total of 36 participants completed all four modules of the RN Refresher Course in these two Cohorts with a total of 33 responded to the Qualtrics Survey, a response rate of 92%.

Areas for Continued Improvement:

A top priority in 2021 for CLN's Approved Provider Unit- whose role is to oversee the quality of the education content for all CLN online offerings- is to update and enhance the content of each of modules in the RN Refresher Course. Therefore, CLN has taken the following actions to support the continued development and excellence of this online offering:

- Evaluations are shared with the individual faculty after the conclusion of each Module so that the faculty can gain insights from participants as to the strengths and areas for continued development of the Module content.
- Individual Faculty periodically provide substantive changes in the Module content to the Primary Nurse Planner of CLN's Approved Provider Unit so that evaluations and survey items can be updated in real time with the respective changes.
- Quarterly meetings will be established with online faculty to discuss participant feedback and evaluation data with CLN's Primary Nurse Planner and CLN Staff to address any updates or modifications that need to be made.
- CLN's Online Education Liaison who oversees the online content and resources for all CLN online courses will review the list of books used in Modules 1 & 3 of the RN Refresher Course so they can be updated Fall 2021, if applicable. The CLN liaison will notify CLN staff with any updates to the book(s) and software in June 2021 so that any changes can be reflected in the August 2021 Cohort.
- A specific follow-up "Workforce Survey" is being developed to assess the re-entry process into the nursing workforce experienced by previous course participants. Results will be shared with the CLN's Approved Provider Unit and Board of Directors to inform future nursing workforce programming and data initiatives via the Connecticut Center for nursing Workforce, Inc. (CCNW).

CLN has been proud to meet the workforce re-entry needs of not only our CT nurses, but those nationwide to bolster and augment the nursing workforce across the country.

Should you have any questions or need additional information, please contact:

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UPDATED → 04/04/2021

| NCLEX-RN First Time Candidates % Passed | <u>2018</u> | <u>2018</u> | <u>2019</u> | <u>2019</u> | <u>2020</u> | <u>2020</u> |
|--|--------------------|---------------------------|--------------------|---------------------------|--------------------|---------------------------|
| <u>MASTERS</u> | | | | | | |
| Yale School of Nursing | 98 | | 94 | | 98 | |
| <u>BACCALAUREATE</u> | <u>BS</u> | <u>Accelerated</u> | <u>BS</u> | <u>Accelerated</u> | <u>BS</u> | <u>Accelerated</u> |
| Central CT State University | 90 | | 100 | | 97 | |
| Fairfield University | 93 | 91 | 93 | 98 | 97 | 98 |
| Quinnipiac University | 92 | 89 | 94 | 96 | 90 * | 94 * |
| Sacred Heart University | 97 | | 99 | | 92 | |
| Southern CT State University | 95 | 98 | 100 | 97 | 95 | 100 |
| University of Bridgeport First graduating class in 2020 | N/A | | N/A | | No data | |
| University of Connecticut | | | | | | |
| Groton Campus/CEIN | | 100 | | 97 | | 97 |
| Stamford Campus/CEIN | | 92 | | 94 | | 78 |
| Storrs Campus | 92 | 95 | 98 | 98 | 98 | 100 |
| Waterbury Campus/CEIN | | 100 | | 100 | | 97 |
| University of Saint Joseph | 96 | 90 | 95 | 88 | 96 | 97 |
| Western CT State University | 88 | | 94 | | 92 | |
| <u>ASSOCIATE DEGREE</u> | <u>Day</u> | <u>Evening</u> | <u>Day</u> | | | |
| Capital CC* | 92 | | 89 | | 87 | |
| Gateway CC* | 91 | | 91 | | 88 | |
| Goodwin University | 82 | | 80 | | 85 | |
| Naugatuck Valley CC* | 95 | | 98 | | 94 | |
| Northwestern CC* | 93 | | 90 | | 90 | |
| Norwalk CC* | 85 | | 95 | | 91 | |
| ST. Vincent's College | 86 | 80 | 82 | | 85 | |
| Three Rivers CC* | 99 | | 93 | | 92 | |
| (* Community Colleges) | | | | | | |

UPDATED → 04/06/2021

| NCLEX-PN First Time Candidates % Passed | CAMPUS | 2018 Day | 2018 Evening | 2019 Day | 2019 Evening | 2020 Day | 2020 Evening |
|---|------------------|--------------------|------------------------|--------------------|------------------------|--------------------|------------------------|
| LINCOLN TECHNICAL INSTITUTE | NEW BRITAIN | 97 | 88 | 95 | 100 | 95 | 89 |
| | SHELTON | 90 | 83 | 89 | 91 | 84 | 86 |
| | | | | | | | |
| PORTER and CHESTER INSTITUTE | BRANFORD | 100 | N/A | Closed 2019 | Closed 2019 | N/A | N/A |
| | ENFIELD | 100 | 100 | 94 | 100 | 100 | 100 |
| | HAMDEN-OPEN 2019 | | | 100 | 83 | 63 | 50 |
| | ROCKY HILL | 93 | N/A | 79 | 100 | 82 | 54 |
| | STRATFORD | 75 | N/A | 85 | 50 | 87 | 73 |
| | WATERBURY | 81 | 100 | 80 | 89 | 90 | 88 |
| | | | | | | | |
| STONE ACADEMY | EAST HARTFORD | 87 | 96 | 84 | 93 | 73 | 84 |
| | WATERBURY | | | N/A | N/A | 100 | No data |
| | WEST HAVEN | 93 | 78 | 71 | 93 | 48 | 80 |

| NCLEX-RN First Time Candidates % Passed | <u>2018</u> | <u>2018</u> | <u>2019</u> | <u>2019</u> | <u>2020</u> | <u>2020</u> | <u>2021</u> | <u>2021</u> |
|--|--------------------|---------------------------|--------------------|---------------------------|--------------------|---------------------------|--------------------|---------------------------|
| <u>MASTERS</u> | | | | | | | | |
| Yale School of Nursing | 98 | | 94 | | 98 | | 96 | |
| <u>BACCALAUREATE</u> | <u>BS</u> | <u>Accelerated</u> | <u>BS</u> | <u>Accelerated</u> | <u>BS</u> | <u>Accelerated</u> | <u>BS</u> | <u>Accelerated</u> |
| Central CT State University | 90 | | 100 | | 97 | | 96 | |
| Fairfield University | 93 | 91 | 93 | 98 | 97 | 98 | 96 | 97 |
| Goodwin University | | | | | | | | 83 |
| Quinnipiac University | 92 | 89 | 94 | 96 | 90 | 96 | 85 | 85 |
| Sacred Heart University | 97 | | 99 | | 95 | | 99 | No data |
| Southern CT State University | 95 | 98 | 100 | 97 | 95 | 100 | 100 | 94 |
| University of Bridgeport | N/A | | N/A | | No data | | 78 | No data |
| University of Hartford | | | | | | | No data | |
| University of Connecticut | | | | | | | | |
| Groton Campus/CEIN | | 100 | | 97 | | 97 | | 96 |
| Stamford Campus/CEIN | | 92 | | 94 | | 78 | | 96 |
| Storrs Campus | 92 | 95 | 98 | 98 | 98 | 100 | 94 | 96 |
| Waterbury Campus/CEIN | | 100 | | 100 | | 97 | | 98 |
| University of Saint Joseph | 96 | 90 | 95 | 88 | 96 | 97 | 100 | 86 |
| Western CT State University | 88 | | 94 | | 92 | | 91 | |
| <u>ASSOCIATE DEGREE</u> | <u>Day</u> | <u>Evening</u> | <u>Day</u> | | | | | |
| Capital CC* | 92 | | 89 | | 87 | | 80 | |
| Gateway CC* | 91 | | 91 | | 88 | | 76 | |
| Goodwin University | 82 | | 80 | | 85 | | 87 | |
| Naugatuck Valley CC* | 95 | | 98 | | 94 | | 84 | |
| Northwestern CC* | 93 | | 90 | | 90 | | 88 | |
| Norwalk CC* | 85 | | 95 | | 91 | | 78 | |
| ST. Vincent's College | 86 | 80 | 82 | | 85** | | 77 | |
| Three Rivers CC* | 99 | | 93 | | 92 | | 97 | |
| (* Community Colleges) | | | | | | | | |

**= Results may change based on request from schools to correct candidate information. Will update the BOEN with changes,

| NCLEX- PN First Time Candidates % Passed | <u>CAMPUS</u> | <u>2018</u> Day | <u>2018</u> Evening | <u>2019</u> Day | <u>2019</u> Evening | <u>2020</u> Day | <u>2020</u> Evening | <u>2021</u> Day | <u>2021</u> Evening |
|--|--|--------------------|------------------------|--------------------|------------------------|--------------------|------------------------|--------------------|------------------------|
| | LINCOLN TECHNICAL INSTITUTE | NEW BRITAIN | 97 | 88 | 95 | 100 | 95 | 89 | 89 |
| | SHELTON | 90 | 83 | 89 | 91 | 84 | 86 | 58 | 60 |
| | | | | | | | | | |
| PORTER and CHESTER INSTITUTE | BRANFORD | 100 | N/A | Closed 2019 | Closed 2019 | N/A | N/A | N/A | N/A |
| | ENFIELD | 100 | 100 | 94 | 100 | 100 | 100 | 72 | 100 |
| | HAMDEN- OPEN 2019 | | | 100 | 83 | 63 | 50 | 58 | 50 |
| | ROCKY HILL | 93 | N/A | 79 | 100 | 82 | 54 | 93 | 67 |
| | STRATFORD | 75 | N/A | 85 | 50 | 87 | 73 | 71 | 100 |
| | WATERBURY | 81 | 100 | 80 | 89 | 90 | 88 | 75 | 50 |
| | | | | | | | | | |
| STONE ACADEMY | EAST HARTFORD | 87 | 96 | 84 | 93 | 73 | 84 | 75 | 74 |
| | WATERBURY | | | N/A | N/A | 100 | No data | 82 | 82 |
| | WEST HAVEN | 93 | 78 | 71 | 93 | 48 | 80 | 51 | 73 |

PHONE CALLS/SCOPE OF PRACTICE QUESTIONS

SUMMARY – MONTH: April 2021 (35 calls)

Answered with or without written documents

APRNs 7 calls:

- 3-Request information on collaborative practice agreements. *Refer to the Department website, Practitioner Licensing and APRN Collaborative Agreements.*
- 3-Request a copy of the APRN scope of practice. *Refer to the Board of Examiners for Nursing (BOEN) website and the Connecticut (CT) Nurse Practice Act (NPA).*
- Can an APRN certified in one practice area, practice in a “new” area with education, verification of competency and a collaborative agreement with a CT licensed physician in the “new” practice area? *Yes.*

RNs 8 calls:

- 5-Request a copy of the RN scope of practice. *Refer to the Board of BOEN website and the CT NPA.*
- RN requesting an update on license renewal application. *Refer to the Department’s licensing unit (provided e-mail address).*
- Request information on “standing orders/medical protocols”. *Refer to the BOEN website then “Guidelines for use of Medical Protocols”.*
- Request information on Graduate Nurse (RN). *Refer to the Department website, Practitioner licensing, Registered Nurse then Graduate Nurse and Executive Order 7V.*

LPNs 8 calls:

- 5-Request a copy of the LPN scope of practice. *Refer to the Board of BOEN website and the CT NPA.*
- LPN requesting an update on license renewal application. *Refer to the Department’s licensing unit (provided e-mail address).*
- Can an LPN prescribe medications? *No, refer to the CT NPA.*
- LPN attended a vocational technical school in CT, needs a copy of her school transcript and that program has since closed. *Refer to the CT Department of Higher Education.*

ULAP 3 calls:

- 3-Request a copy of the scope of a MA. *As the Department does not license MA the Department cannot provide a scope but may want to refer to the BOEN website and the Declaratory Ruling of Delegation to ULAP.*

Schools 2 calls:

- Southern CT State University: Can the school allow a student to earn “clinical credits/hours” in their nursing program for their work as a technician (in a hospital setting). *Discussion -is this consistent with their program (as approved).*
- Student asking about immunization requirements by a CT nursing program. *Refer to the Nursing Director of that program for clarification of the school’s requirements.*

Guidelines/Other 7 calls:

- Long term care facility requesting information about a waiver for the facility regarding nurse staffing. *Refer to the Nurse Manager in the Facility Licensing & Investigations Section (FLIS).*
- 2-In the process of setting up a Medical Spa requesting guidance. *Refer to the Medical Spa Statute, Connecticut General Statutes, Chapter 3681l, Section 19a-903 c.*
- 3-Request information on Certified Nursing Assistant programs in CT. *Refer to Department staff who works with the CNA programs in CT (provide e-mail address).*
- Can a student in a nursing program work in the role of patient care technician at a licensed hemodialysis center? *Refer to the Nurse Supervisor of Hemodialysis Centers in FLIS.*

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

Dana Gibson, R.N.
License No. 062943

Reinstatement Request

MEMORANDUM OF DECISION

I

Procedural Background

On November 21, 2018, the Department of Public Health ("Department") filed a Statement of Charges ("Charges") with the Board of Examiners for Nursing ("Board") ("Bd.") Exhibit ("Ex.") 1. The Charges alleged violations of Chapter 378 of the Connecticut General Statutes ("Conn. Gen. Stat.") by Dana Gibson ("Petitioner"), which would subject Petitioner's registered nurse ("R.N.") license number 062943 to disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99(b)(2) and 19a-17.

On December 20, 2018, the Charges and Notice of Hearing were mailed by certified and first-class mail to Petitioner's last known address of record. On that same date, the Charges and Notice of Hearing were also sent to Petitioner's electronic mail address at racingdana@gmail.com.

The hearing was held on January 16, 2019. Petitioner was present and was self-represented. Attorney Joelle Newton represented the Department. Transcript ("Tr.") p. 3.

On June 20, 2019, the Board issued a Memorandum of Decision ("Decision") and Order in Petition No. 2018-555 revoking Petitioner's R.N. license number 062943. Bd. Ex. 2. The Decision was based on Petitioner's admitted failure to conform to the accepted standards of the nursing profession by engaging in illegal conduct with a prison inmate. Bd. Ex. 2, pp. 2-6.

On August 2, 2020, Petitioner requested a hearing before the Board, seeking reinstatement of her license. Petitioner ("Pet.") Ex. 1. The Department did not file an objection to Petitioner's request for a hearing.

Pursuant to Petitioner's request for a reinstatement hearing, the Board mailed to Petitioner, via her email address (racingdana@gmail.com) a Notice of Hearing ("Notice") dated November 3, 2020. Bd. Ex. 1. The Notice informed her that the hearing was scheduled for January 20, 2021. *Id.*

On January 20, 2021, the Board held a hearing on Petitioner's request for reinstatement of her R.N. license. Petitioner was present and was self-represented. Attorney Joelle Newton represented the Department. Each member of the Board attests that he or 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. *Pet v. Department of Health Services*, 228 Conn. 651 (1994).

II *Findings of Fact*

Based on the testimony given and the exhibits offered into evidence, the Board makes the following findings of fact:

1. Petitioner previously held Connecticut R.N. license number 062943. Bd. Ex. 2.
2. From approximately December 4, 2017 through March 2, 2018, Petitioner failed to conform to the accepted standards of the nursing profession and violated professional boundaries when she engaged in sexual contact with an inmate and/or deposited funds into said inmate's account while working as a registered nurse at the Corrigan-Radgowski Correctional Facility in Uncasville, Connecticut. Bd. Ex. 2, p. 3.
3. On August 21, 2018, Petitioner pleaded guilty to Sexual Assault, 4th degree, in violation of Conn. Gen. Stat. § 53a-73a (a) (2), as a result of Petitioner's sexual contact with said inmate. Petitioner was sentenced to one year, execution suspended and two years of probation. Bd. Ex. 2, p. 3.
4. On June 20, 2019, the Board issued an Order revoking Petitioner's R.N. license based on Petitioner's admitted failure to conform to the accepted standards of the nursing profession by engaging in illegal conduct with a prison inmate. Bd. Ex. 2, 2-6.
5. On August 2, 2020, Petitioner requested a hearing before the Board, seeking reinstatement of her license. Pet. Ex. 1.
6. At the hearing, Petitioner submitted documentation in support of her request for the reinstatement of her license. The documents included Petitioner's self-assessment essay (Pet. Ex. 1), her resume, (Pet. Ex. 2), her CPR recertification with the American Heart Association (Pet. Ex. 3), a reference letter from her employer for the period of November 2018 to the present (Pet. Ex. 3, p. 4), a personal letter of recommendation (Pet. Ex. 3, p. 2), and a recommendation letter from her therapist, stating that Petitioner is competent and ready to return to work. Pet. Ex. 3, p. 3 (under seal).
7. Petitioner was a credible witness. Tr. pp. 6-16, 19-20.

8. The Board finds that Petitioner presented sufficient and credible evidence to satisfy her burden of proof that she is able to resume nursing and practice with reasonable skill and safety.

III

Discussion and Conclusions of Law

Conn. Gen. Stat. § 19a-17(e) provides, in pertinent part, that the Board “may reinstate a license that has been suspended or revoked if after a hearing, such board . . . is satisfied that the practitioner . . . is able to practice with reasonable skill and safety to patients, customers, or the public in general. As a condition of reinstatement, the board or commission or the department may impose disciplinary or corrective measures authorized under this section.”

The Petitioner has the burden of satisfying the Board that she is able to practice nursing with reasonable skill and safety. At the hearing, the Department had no objections to Petitioner’s request for reinstatement of her license. Tr. p. 12. The Board finds that Petitioner presented sufficient and credible evidence to satisfy her burden of proof that she is able to resume nursing and practice with reasonable skill and safety. Findings of Fact (“FF”) 2-8.

Prior to the hearing, Petitioner understood that she would be required to provide evidence at the reinstatement hearing that documented the “outcomes of [her] efforts toward recovery” over an extended period of time. Bd. Ex. 1. The Petitioner was also advised that such evidence should include all of the following:

- 1) Documentary or testimonial evidence from her therapist documenting a lengthy period of drug/alcohol free status documented by therapy reports, evidencing her ability to administer safe nursing care, including the administration of controlled substances;
- 2) personal references documenting her emotional health and work habits;
- 3) documentary or testimonial evidence from current and past employers documenting her ability to carry out assigned duties responsibly and accurately and her potential for functioning safely and effectively as a nurse;
- 4) documentation of Petitioner’s participation in support groups and support of a sponsor, as well as the outcome of her participation in such support groups, if applicable.

Id.

At the hearing, Petitioner submitted documentation in support of her request for the reinstatement of her license. The documents included Petitioner's self-assessment essay (Pet. Ex. 1), her resume, (Pet. Ex. 2), her CPR recertification with the American Heart Association (Pet. Ex. 3), a reference letter from her employer for the period of November 2018 to the present (Pet. Ex. 3, p. 4), a personal letter of recommendation (Pet. Ex. 3, p. 2), and a recommendation letter from her therapist, stating that Petitioner is competent and ready to return to work. Pet. Ex. 3, p. 3 (under seal). FF 6.

At the hearing, Petitioner credibly testified that she accepted full responsibility for her misconduct when she worked as a R.N. in the correctional facility in 2017-2018. Tr. pp. 10, 12. During that time period, Petitioner convinced herself that the inmate was not her patient and that her relationship with the inmate had nothing to do with patient care. Tr. p. 19. Petitioner further testified that she is a different person than she was two and a half years ago. After Petitioner's two and a half years of extensive psychotherapy and counseling, Petitioner credibly testified that she now knows that her conduct was wrong, and that she acted in an unprofessional manner. Tr. p. 14. Petitioner assured the Board members that she will never cross her professional and personal boundaries ever again. The Board believes that Petitioner has learned from this experience of making professional and illegal choices and that she will not repeat such misconduct in the future. Tr. pp. 18-20.

As noted in the Findings of Fact and foregoing discussion, the Board finds that Petitioner has presented relevant and credible evidence to sustain her burden of satisfying the Board that she is able to resume the practice of nursing with reasonable skill and safety, pursuant to the Order below.

IV

Order

Pursuant to Conn. Gen. Stat. §§ 19a-17 and 20-99, the Board hereby orders that Petitioner's, Dana Gibson's, R.N. license number 062943 is hereby reinstated under the following terms and conditions:

1. Petitioner's license shall be placed on probation for a period of one year under the terms and conditions listed below. If any of the conditions of probation are not met, Petitioner's R.N. license may be subject to disciplinary action pursuant to Conn. Gen. Stat. § 19a-17.

- A. During the period of probation, the Department shall pre-approve Petitioner's employment and/or change of employment within the nursing profession.
- B. Petitioner shall provide a copy of this Decision to any and all employers if employed as a nurse during the probationary period. The Department shall be notified in writing by any employer(s), within 30 days of the commencement of employment, as to receipt of a copy of this Decision.
- C. If employed as a nurse, Petitioner shall cause employer reports to be submitted to the Department by her immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of the month following employment as a nurse. Employer reports shall be submitted at least monthly during the entire probationary period.
- D. The employer reports cited in Paragraph C above shall include documentation of Petitioner's ability to practice nursing safely and competently. Employer reports shall be submitted directly to the Department at the address cited in Paragraph J below.
- E. Should Petitioner's employment as a nurse be involuntarily terminated or suspended, Petitioner and her employer shall notify the Department within 72 hours of such termination or suspension.
- F. If Petitioner pursues further training in any subject area that is regulated by the Department, Petitioner shall provide a copy of this Decision to the educational institution or, if not an institution, to Petitioner's instructor. Such institution or instructor shall notify the Department in writing as to receipt of a copy of this Decision within 15 days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph J below.
- G. Petitioner shall successfully complete course work in professional ethics and professional boundaries, pre-approved by the Department. Within 30 days of completion of the course work, Petitioner shall provide proof to the satisfaction of the Department of her successful completion of the course.
- H. In the event Petitioner is not employed as a nurse for periods of 30 consecutive days or longer, she shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Order

and such terms shall be held in abeyance. During such time period, Petitioner shall not be responsible for complying with the terms of probation of this Order. In the event Petitioner resumes the practice of nursing, she shall provide the Department with 15 days prior written notice.

- I. The Department must be informed in writing prior to any change of address.
- J. All communications, payments if required, correspondence, and reports are to be addressed to:

Lavita Sookram, RN, Nurse Consultant
Practitioner Monitoring and Compliance Unit
Department of Public Health
Division of Health Systems Regulation
Board of Examiners for Nursing
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford, CT 06134-0308

- 2. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that Petitioner has violated this Order will subject Petitioner to sanctions under Conn. Gen. Stat. §§ 19a-17(a) and (c), including but not limited to, the revocation of her license. 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 subsequent action. The Board shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to Petitioner's address of record (most current address reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department).
- 3. This document has no bearing on any criminal liability without the written consent of the Director of Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

This Order is effective on the date it is signed by the Board.

The Board hereby informs Petitioner, Dana Gibson, and the Department of this Decision.

Dated at Waterbury, Connecticut this _____ day of May 2021.

BOARD OF EXAMINERS FOR NURSING

By _____
Patricia C. Bouffard, D.N.Sc., Chair

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

Allyson Allen, L.P.N.
License No. 034239

Petition No. 2020-787

MEMORANDUM OF DECISION

I

Procedural Background

On October 13, 2020, the Department of Public Health ("Department") filed a Motion for Summary Suspension ("Motion") (Board ("Bd.") Exhibit ("Ex.") 2) and a Statement of Charges ("Charges") with the Board of Examiners for Nursing. Bd. Ex. 1. The Charges allege violations of Chapter 378 of the Connecticut General Statutes ("Conn. Gen. Stat.") by Allyson Allen ("Respondent") which would subject Respondent's licensed practical nurse ("L.P.N.") license number 034239 to disciplinary action pursuant to Conn. Gen. Stat. §§ 19a-17 and 20-99(b)(5).

Based on the allegations in the Charges and the affidavits and reports attached to the Motion, the Board found that Respondent's continued nursing practice presented a clear and immediate danger to public health and safety. Accordingly, on October 21, 2020, pursuant to Conn. Gen. Stat. §§ 4-182(c) and 19a-17(c), the Board ordered that Respondent's licensed practical nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Charges ("Summary Suspension Order"). Bd. Ex. 3.

On October 23, 2020, the Department mailed the Summary Suspension Order, Charges, and Notice of Hearing ("Notice") to Respondent's email address at bdog2319@gmail.com. Bd. Ex. 4.

The hearing convened on November 18, 2020 via video conference. Respondent was present at the hearing and was self-represented. Transcript ("Tr.") p. 2. Attorney Joelle Newton represented the Department.

Following the close of the record, the Board conducted fact finding. Each member of the Board involved in this decision attests that he or 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. *Pet v. Department of Health Services*, 228 Conn. 651 (1994).

II

Allegations

1. In paragraph 1 of the Charges, the Department alleges that Respondent of Ellington, Connecticut is, and has been at all times, as referenced in the Charges, the holder of Connecticut L.P.N. license number 034239.
2. In paragraph 2 of the Charges, the Department alleges that on September 18, 2019, the Board issued a Memorandum of Decision (“Order”) in Petition No. 2017-429 based on Respondent’s history of substance abuse¹. The Order placed Respondent’s license on probation for four years and required, in part, random urine drug testing which shall be negative for the presence of alcohol and drugs. Further, EtG test reports of an EtG level of 1000 ng/mL or higher shall be deemed to constitute a positive screen for the presence of alcohol and drugs.
3. In paragraph 3 of the Charges, the Department alleges that on or about August 6, 2020, Respondent’s toxicology screen tested positive for morphine with an EtG level of approximately 1686 ng/mL while the Order remained in full force and effect.
4. In paragraph 4 of the Charges, the Department alleges that on or about August 6, 2020, Respondent abused and/or utilized morphine to excess while the terms and conditions of the Order remained in full force and effect.
5. In paragraph 5 of the Charges, the Department alleges that Respondent’s abuse and/or utilization of morphine to excess does and/or may affect her practice of nursing.
6. In paragraph 6 of the Charges, the Department alleges that Respondent’s conduct described above constitutes a violation of the probationary terms of the Order and subjects Respondent’s license to revocation or other disciplinary action authorized by Conn. Gen. Stat. §§ 19a-17 and 20-99(b) including, but not limited to 20-99(b)(5).

III

Findings of Fact

1. Respondent of Ellington, Connecticut is, and has been at all times, as referenced in the Charges, the holder of Connecticut L.P.N. license number 034239. Bd. Ex. 1.
2. On September 18, 2019, the Board issued a Memorandum of Decision (“Order”) in Petition No. 2017-429 based on Respondent’s history of substance abuse. The Order placed Respondent’s license on probation for four years and required, in part, that

¹ Paragraph 2 of the Department’s Charges erroneously listed the date of the Board’s Memorandum of Decision as September 18, 2017. During the hearing, the Department moved and the Board accepted the Department’s amendment to correct the typographical error and change the date from 2017 to 2019. Tr. pp. 12-13.

Respondent submit to random urine drug testing, the results of which were required to be negative for the presence of alcohol and drugs. The Order specified that Ethyl Glucuronide (“EtG”) test reports, identifying a level of 1000 ng/mL or higher, were to be deemed to constitute a positive screen for the presence of alcohol and drugs. Department (“Dept.”) Ex. 1, pp. 6-17.

3. On August 6, 2020, Respondent’s toxicology screen tested positive for morphine with an EtG level of approximately 1686 ng/mL while the Order remained in full force and effect. Dept. Ex. 1, pp. 1, 19-20 (under seal)
4. On August 6, 2020, Respondent abused and/or utilized morphine to excess while the terms and conditions of the Order remained in full force and effect. *Id.*
5. Respondent’s abuse and/or utilization of morphine to excess does and/or may affect her practice of nursing.

IV

Discussion and Conclusions of Law

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Jones v. Connecticut Medical Examining Board*, 309 Conn. 727, 739-740 (2013).

The Department sustained its burden of proof with regard to all of the allegations contained in the Charges.

Conn. Gen. Stat. § 20-99 provides, in pertinent part, that:

- (a) The Board . . . shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17. . . .
- (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following: . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; . . .

With respect to the allegations contained in the Charges, Respondent admitted the allegations contained in paragraphs 1 and 2 of the Charges, but denied the allegations contained in paragraphs 3 through 5 of the Charges. Tr. pp. 7-8. Nonetheless, the Board finds that with respect to all of the allegations contained in the Charges, the Department sustained its burden of proof by a preponderance of the evidence. Findings of Fact (“FF”) 2-5.

The allegations contained in paragraph 2 of the Charges are not in dispute. With respect to such allegations, the record establishes that on September 18, 2019, the Board issued an Order

to Respondent in Petition No. 2017-429, based on her history of substance abuse. The Order placed Respondent's license on probation for four years and required, in part, that Respondent submit to random urine drug testing, the results of which were required to be negative for the presence of alcohol and drugs.

There is also no dispute that on August 6, 2020, Respondent's toxicology screen tested positive for morphine and alcohol. The laboratory report states that the cutoff level for morphine is 300 ng/mL. Dept. Ex. 1, p. 19 (under seal). On August 6, 2020, Respondent's toxicology screen level for morphine was 1064 ng/mL. Dept. Ex. 1, pp. 3, 19, 66 (under seal). The laboratory analysis of Respondent's urine screen indicated there was an EtG level of approximately 1686 ng/mL. The laboratory reports state that the cutoff level for EtG is 500 ng/mL. Further, the laboratory report indicates that Respondent's Ethyl Sulfate ("EtS") level was 688 ng/mL, exceeding the cutoff level of 75 ng/mL. Dept. Ex. 1, pp. 3, 20, 67 (under seal). Based on the laboratory results, it is not in dispute that on August 6, 2020, Respondent's toxicology screen was positive for both morphine and alcohol. Therefore, the Department sustained its burden of proof with respect to the allegations contained in paragraphs 2 and 3 of the Charges.

Respondent denied that she intentionally used morphine or consumed alcohol on August 6, 2020. Dept. Ex. 1, p. 4 (under seal). Respondent stated that the positive morphine and alcohol levels in her toxicology screen could be attributed to her administration of liquid morphine to several of her patients without wearing gloves. Dept. Ex. 1, pp. 18, 22-23 (under seal). She also stated that she drank a superfood drink that day that had a bitter/sour taste which could have been fermented and that fermentation resulted in a positive alcohol screen. Dept. Ex. 1, p. 22. Nonetheless, the record is devoid of any evidence to support Respondent's explanations.

Respondent testified that the thinness of, and the dry cracks in, the skin on her hands is due to the use of an eczema medication that contains a steroid. Respondent testified that she uses the medication to treat a chronic eczema condition that she has suffered with since she was 19 years old. Dept. Ex. 1, p. 27-28 (under seal); Respondent ("Resp.") Ex. 2; Tr. pp. 21-22. Due to COVID-19, Respondent further testified that she "washes her hands nonstop" and that "her hands will split open when they are dry, literally split open," providing a port of entry for liquid morphine and hand sanitizer. Respondent testified that "it's a coincidence that the alcohol and morphine are present due [sic] when I had the splits in my hands." Tr. p. 21. However, a Board

member expressed concern “that the level was quite high and bioavailability of morphine at that level [1064 ng/mL] could not account for transdermal absorption.” Tr. pp. 28-29. Ultimately, the Board did not find Respondent’s explanations for the high levels of morphine and alcohol in her urine screens to be credible.

Based on the foregoing, the Board finds that the Department has established by a preponderance of the evidence that Respondent’s positive urine screen on August 6, 2020 violated the terms and conditions of her 2019 Order which constitutes grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99(b) (4) and 20-99(b)(5). The conduct admitted, in conjunction with the Department sustaining its burden of proof renders Respondent’s license subject to sanctions, including, among others, revocation, suspension, or probation. *See*, Conn. Gen. Stat. §§ 19a-17(a) (1), (2) and (5). Nonetheless, based on the totality of the evidence, and Respondent’s demonstrated willingness to participate in individual psychotherapy, random urine screening, attendance at AA meetings and other support groups (Resp. Ex. 1 (under seal); Tr. pp. 33-34 (under seal)), and her solid work performance with her current employer (Resp. Ex. 3), the Board finds that Respondent can practice nursing with reasonable skill and safety under the terms of this Order.

Order

Based on the record in this case, the above findings of fact, and conclusions of law, the Board hereby orders, with respect to Respondent’s license number 034239, as follows:

1. Effective on the date this Order is signed by the Board, the *suspension* of Respondent’s license, pursuant to the 2019 Order, shall be *vacated* and Respondent’s license shall be placed on probation for a period of four years under the terms and conditions delineated below. The terms and conditions of this Order supercede and replace the 2019 Order in its entirety. If any of the conditions of probation are not met, Respondent’s L.P.N. license may be subject to disciplinary action pursuant to Conn. Gen. Stat. § 19a-17.
 - A. During the period of probation, the Department shall pre-approve Respondent’s employment and/or change of employment within the nursing profession.
 - B. 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 during the probationary period.

- C. Respondent shall provide a copy of this Decision to any and all employers if employed as a nurse during the probationary period. The Department shall be notified in writing by any employer(s), within 30 days of the commencement of employment, as to receipt of a copy of this Decision.
- D. Respondent shall not administer, count, or have access to controlled substances, or have responsibility for such activities, in the course of her nursing duties during the first year of working as a nurse during the probationary period.
- E. If employed as a nurse, Respondent shall cause employer reports to be submitted to the Department by her immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of the month following employment as a nurse. Employer reports shall be submitted at least monthly for the first and fourth years of the probationary period and at least quarterly for the second and third years of the probationary period.
- F. The employer reports cited in Paragraph E above shall include documentation of Respondent's ability to practice nursing safely and competently. Employer reports shall be submitted directly to the Department at the address cited in Paragraph Q below.
- G. Should Respondent's employment as a nurse be involuntarily terminated or suspended, Respondent and her employer shall notify the Department within 72 hours of such termination or suspension.
- H. If Respondent pursues further training in any subject area that is regulated by the Department, Respondent shall provide a copy of this Decision to the educational institution or, if not an institution, to Respondent's instructor. Such institution or instructor shall notify the Department in writing as to receipt of a copy of this Decision within 15 days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph Q below.
- I. At her expense, Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist, approved by the Department,

during the entire probationary period. Additionally, Respondent shall participate in AA substance abuse support groups at least eight times a month for the entire probationary period and shall submit to the Department written documentation of her participation and/or attendance.

- J. Respondent shall provide a copy of this Decision to her therapist. The Department shall be notified in writing by her therapist, within 30 days of the effective date of this Decision, as to receipt of a copy of this Decision.
- K. Respondent shall cause evaluation reports to be submitted to the Department by her therapist during the entire probationary period. Therapist reports shall be submitted at least monthly for the first and fourth years of the probationary period and at least quarterly for the second and third years of the probationary period.
- L. The therapist reports cited in Paragraph K above shall include documentation of dates of treatment and an evaluation of Respondent's progress, including alcohol and drug free status, and ability to practice nursing safely and competently. Therapist reports shall be submitted directly to the Department at the address cited in Paragraph Q below.
- M. Observed random urine screens
 - (1) At her expense, Respondent shall be responsible for submitting to observed, random, chain of custody urine screens for alcohol and drugs for the entire probationary period at a testing facility approved by the Department. Random alcohol/drug screens shall be legally defensible in that specimen donor and chain of custody can be identified throughout the screening process.
 - (2) Respondent shall be responsible for notifying the laboratory, her therapist, the Department, and her prescribing practitioner of any drug(s) she is taking. For any prescription of a controlled substance(s) for more than two consecutive weeks, Respondent shall cause the provider prescribing the controlled substance(s) to submit quarterly reports to the Department until such time as the controlled substance(s) is no longer prescribed. The reports shall include the following:
 - a. A list of controlled substances prescribed by the provider;

- b. A list of controlled substance(s) prescribed by other providers;
- c. An evaluation of Respondent's need for the controlled substance(s);
- d. An assessment of Respondent's continued need for the controlled substance(s).

- (3) There must be at least one such observed, random alcohol/drug screen on a weekly basis during the first and fourth years of the probationary period and at least monthly during the second and third years of the probationary period.
- (4) Random alcohol/drug screens shall be negative for the presence of alcohol and drugs, excluding the drugs that Respondent's providers prescribe. All urine screens for alcohol will be tested for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS) metabolites. All positive screen 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.
- (5) Random alcohol/drug screens must include testing for the following substances:

| | |
|--------------------------------|-----------------------|
| Amphetamines | Methadone |
| Barbiturates | Methaqualone |
| Benzodiazepines | Opiates (Metabolites) |
| Cannabinoids (THC Metabolites) | Phencyclidine (PCP) |
| Cocaine | Propoxyphene |
| Meperidine (Demerol) | Ethanol (alcohol) |
| Fentanyl | Stadol |
| Tramadol | |

- (6) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Department, at the address cited in Paragraph P below, by Respondent's therapist, personal physician, or the testing laboratory.

N. Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her for a legitimate purpose by a licensed health care practitioner authorized to prescribe medications. Respondent shall not abuse

and/or excessively use any drugs that are prescribed for a legitimate medical purpose.

- O. Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. The ingestion of mouthwash, over the counter cough suppressants, and cold/flu remedies may produce a positive result indicating the presence of alcohol. For that reason, any food substance containing poppy seeds, mouthwash, and over the counter cough suppressants and cold/flu remedies should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine and/or alcohol, the ingestion of poppy seeds, mouthwash, and over the counter cough suppressants and/or cold/flu remedies shall not constitute a defense to such positive screen.
- P. The Department must be informed in writing prior to any change of address.
- Q. All communications, payments, if required, correspondence, and reports are to be addressed to:

Lavita Sookram, RN, Nurse Consultant
Practitioner Monitoring and Compliance Unit
Department of Public Health
Division of Health Systems Regulation
Board of Examiners for Nursing
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford, CT 06134-0308

- 2. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order. Any finding that Respondent has violated this Order will subject Respondent to sanctions under Conn. Gen. Stat. §§ 19a-17(a) and (c), including, but not limited to, the revocation of her license. 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 subsequent action. The Board shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to Respondent's address of record (most current address reported to the Practitioner

Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department).

3. This document has no bearing on any criminal liability without the written consent of the Director of Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

This Order is effective on the date it is signed by the Board.

The Board hereby informs Respondent, Allyson Allen, and the Department of this decision.

Dated at Waterbury, Connecticut this day of May, 2021.

BOARD OF EXAMINERS FOR NURSING

By _____
Patricia C. Bouffard, D.N.Sc., Chair

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

Colleen Gallagher, L.P.N.
License No. 027133

Petition No. 2020-76

MEMORANDUM OF DECISION

I

Procedural Background

On March 11, 2020, the Department of Public Health ("Department") filed a Statement of Charges ("Charges") with the Board of Examiners for Nursing ("Board"). Board ("Bd.") Exhibit ("Ex.") 1. The Charges allege that Colleen Gallagher ("Respondent") violated Chapter 378 of the General Statutes of Connecticut ("Conn. Gen. Stat."). Such alleged violations would subject Respondent's licensed practical nurse ("L P.N.") license number 027133 to disciplinary action pursuant to Conn. Gen. Stat. §§ 19a-17, 20-99(b)(2), 20-99(b)(4) and 20-99(b)(5).

On March 18, 2020, the Department filed a Motion for Summary Suspension with the Board. Bd. Ex. 2.

Based on the allegations in the Charges, the Board found that Respondent's continued nursing practice presented a clear and immediate danger to public health and safety and ordered, on March 18, 2020, pursuant to Conn. Gen. Stat. §§ 4-182(c) and 19a-17(c), that Respondent's L.P.N. license be summarily suspended pending a final determination by the Board of the allegations contained in the Charges ("Summary Suspension Order"). *Id.*

The Department mailed the Charges, Summary Suspension Order and Notice of Hearing to Respondent via first class mail to her address (160 Walnut Street, Stratford, CT 06615) of record on file with the Department (Bd. Ex. 3) and to 25 Reitter St., Stratford, CT 06615. *Id.* The hearing was scheduled to convene on April 15, 2020. On the same date, this correspondence also was sent to Respondent's email address of record at the Department at colleengallaghre71@icloud.com. *Id.* There is no evidence in the record that service by State Marshal to the above addresses was successful, although the first-class mail was not returned to the Department.

On March 12, 2020, the Department mailed via first class mail a Notice of Rescheduled Hearing to Respondent at two different addresses: 160 Walnut Street, Stratford, CT 06615 and 5 Knollwood Drive, Newtown, CT 06470; and to Respondent's email address at colleengallaghere71@icloud.com. On the same date, the correspondence was also to be served to Respondent by State Marshal. The hearing was rescheduled to convene on May 20, 2020. Bd. Ex. 4. The location of the public hearing was changed from an in-person hearing to a hearing by teleconference. *Id.*

On April 28, 2020, the State Marshal returned to the Department, confirmed by written correspondence that he attempted to serve Respondent at two separate addresses in the Department's records: once at 5 Knollwood Drive, Newtown, CT and once at 160 Walnut Street, Stratford, CT. Neither residence was Respondent's place of abode and she was not at either address to accept service of the Notice of Rescheduled Hearing, Summary Suspension Order, Notice of Hearing, and Statement of Charges. *Id.*

On May 20, 2020, the hearing convened. Respondent was present and was not represented by counsel. Transcript ("Tr.") 5/20/2020, p. 2. Attorney Brittany Allen represented the Department. Tr. 5/20/2020, p. 3.

At the hearing, Respondent requested a continuance of the hearing that was originally scheduled for April 15, 2020. On May 20, 2020, without objection from the Department, the Board granted Respondent's request and continued the hearing until August 19, 2020. Tr. 5/20/2020, pp. 14-16. Respondent also provided the Department the address of her temporary residence with her sister in Florida and her sister's email address. Tr. 5/20/2020, pp. 7-8.

On June 30, 2020, the Department mailed to Respondent a Notice of Hearing at her temporary address in Florida (11769 Trevally Loop, Building Six, Apartment 311, Trinity, FL 34655) and via her sister's email address at tfgallagher96@hotmail.com.

The Hearing Office entered into the record the May 20, 2020 transcript as Bd. Ex. 5.

The Notice confirmed the August 19, 2020 hearing date and that it would be held by video conference. Bd. Ex. 6.

On August 10, 2020, Respondent contacted the Department and provided her most recent contact information, which was 4355 Owendon Drive, Shallotte, North Carolina and electronic mail at gallaghercolleen1971@icloud.com. Tr. 8/19/2020, p. 3.

On August 19, 2020, the first day of hearing convened. Respondent was not present and was not represented by counsel. Tr. 8/19/2020, p. 2. Attorney Linda Fazzina represented the Department. *Id.* Inasmuch as the Board could not be certain that Respondent had received the formal notice concerning the August 19, 2020 hearing, the hearing was continued. Tr. 8/19/2020, pp. 6-8. Respondent's license remained under suspension. Tr. 8/19/2020, p. 8.

On September 1, 2020, the Department mailed to Respondent a Notice of Hearing ("Notice") by first class mail at 4355 Owendon Drive, Shallotte, North Carolina and via electronic mail at gallaghercolleen1971@icloud.com. The hearing was rescheduled to October 21, 2020. Bd. Ex. 7; Tr. 10/21/2020, p. 9.

On October 21, 2020, the hearing convened via video teleconference. Respondent was present and not represented by counsel. Tr. 10/21/2020, p. 3. Attorney Linda Fazzina represented the Department. Tr. 10/21/2020, p. 4. The transcript from the August 19, 2020 hearing was entered into the record as Bd. Ex. 8; Tr. 10/21/2020, p. 11. At the hearing, Respondent orally answered the Charges on the record. Tr. 10/21/2020, pp. 16

Following the close of the record, the Board conducted fact finding.

Each member of the Board involved in this decision attests that he or 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. *Pet v. Department of Health Services*, 228 Conn. 651 (1994).

II

Allegations

In paragraphs 1 and 6 of the Charges, the Department alleges that Respondent of Stratford, Connecticut is, and has been at all times, as referenced in the Charges, the holder of Connecticut L.P. N. license number 027133.

Count One

2. In paragraph 2 of the Charges, the Department alleges that in or about September 2019, Respondent was diagnosed with cannabis use disorder and/or a mental illness.
3. In paragraph 3 of the Charges, the Department alleges that in or about September 2019, Respondent abused or utilized methadone and/or marijuana to excess.

4. In paragraph 4 of the Charges, the Department alleges that Respondent's cannabis use disorder and/or mental illness and/or Respondent's abuse and/or excess use of methadone and/or marijuana does, and/or may, affect her practice as a nurse.
5. In paragraph 5 of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. § 20-99(b), including but not limited to § 20-99(b)(4) and/or 20-99(b)(5).

Count Two

7. In paragraph 7 of the Charges, the Department alleges that at all relevant times, Respondent was employed as a nurse at Cambridge Manor in Fairfield, Connecticut ("Cambridge Manor").
8. In paragraph 8 of the Charges, the Department alleges on one or more occasions in 2019, while as a nurse at Cambridge Manor, Respondent failed to completely, properly and/or accurately document medical records in connection with the administration of a controlled substance to one or more residents.
9. In paragraph 9 of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99(b), including, but not limited to 20-99(b)(2).

III

Findings of Fact

1. Respondent of Stratford, Connecticut¹ is, and has been at all times, as referenced in the Charges, the holder of Connecticut L.P. N. license number 027133. Tr. 10/21/2020, p. 18.
2. In September 2019, Respondent was diagnosed with cannabis use disorder and/or a mental illness. Dept. Ex. 1, pp. 3-4, 17-18 (under seal); Dept. Ex. 2, Tr. 10/21/2020, pp. 18, 4-7 (under seal).
3. In September 2019, Respondent abused or utilized methadone and/or marijuana to excess. Dept. Ex. 1, pp. 3, 17-18 (under seal); Tr. 10/21/2020, pp. 18, 3, 8 (under seal).
4. Respondent's cannabis use disorder and/or mental illness and/or Respondent's abuse and/or excess use of methadone and/or marijuana does, and/or may, affect her practice as a nurse. Tr. 10/21/2020, pp. 19, 4-9 (under seal).

¹ As of August 1, 2020, Respondent's new address is 4355 Owendon Drive, Shallotte, North Carolina. Tr. 8/19/20, p. 4.

5. In paragraph 5 of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. § 20-99(b), including but not limited to § 20-99(b)(4) and/or 20-99(b)(5).

Count Two

7. At all relevant times, Respondent was employed as a nurse at Cambridge Manor in Fairfield, Connecticut. Tr. 10/21/2020, pp. 19-20, 22.
8. On January 2, 2019, July 5, 2019, September 27, 2019, October 2, October 5, October 10 and October 11, 2019, while as a nurse at Cambridge Manor, Respondent failed to completely, properly and/or accurately document medical records in connection with the administration of a controlled substance to one or more residents. Dept. Ex. 1, pp. 1-2 (under seal); Dept. Ex. 2, pp. 2-4; Tr. 10/21/2020, pp. 20, 30-31, 39-40, 41-42.
9. The above facts constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99(b), including, but not limited to 20-99(b)(2).

V

Discussion and Conclusions of Law

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Jones v. Connecticut Medical Examining Board*, 309 Conn. 727, 739-740 (2013). The Department sustained its burden of proof with regard to all of the allegations contained in the Charges.

Conn. Gen. Stat. § 20-99 provides, in pertinent part, that:

- (a) The Board . . . shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17
- (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following: . . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (4) emotional disorder or mental illness; (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals;

With respect to the allegations contained in the Charges, Respondent admitted to all of the allegations contained in the Charges. Tr. 10/21/2020, pp. 16- 20. Therefore, the Department sustained its burden of proof with respect to the allegations contained in the Charges. Findings of Fact (“FF”) 1-9.

With respect to paragraphs 1, 2, and 6 of the Charges, Respondent of Stratford, Connecticut² is, and has been at all times, as referenced in the Charges, the holder of Connecticut L.P. N. license number 027133 (FF 1); and, in September 2019, Respondent was diagnosed with cannabis use disorder and a mental illness. FF 2.

Thus, the Department sustained its burden of proof with respect to the allegations contained in paragraphs 1, 2 and 6 of the Charges.

With respect to paragraphs 3 and 4 of the Charges, the record also establishes, and Respondent admits, that in September 2019, she abused or utilized methadone and/or marijuana to excess. FF 3. She also admits that her cannabis use disorder and/or mental illness and/or her abuse and/or excess use of methadone and/or marijuana does, and/or may, affect her practice as a nurse. FF 4. Respondent also testified that before her relapse in 2019, she had maintained her sobriety for six years. Tr. 10/21/2020, p. 32.

With respect to paragraph 7 of the Charges, the record establishes that at all relevant times, Respondent was employed as a nurse at Cambridge Manor in Fairfield, Connecticut. FF 7. Respondent testified that she has been a nurse for 25 years and was employed at Cambridge Manor for five years. Tr. 10/21/2020, pp. 23-24. In her testimony, Respondent claimed that the administration at the facility was like a “revolving door” of per diem staff and administration. Tr. 10/21/2020, p. 23. She testified that after she made multiple complaints to the administration about inadequate care of her residents and the facility’s failure to order medication and supplies for the residents, the assistant director of nursing, in retaliation, accused her of diversion, which she adamantly denied. Tr. 10/21/2020, pp. 21-23, 25, 30-31, 33. However, the Department did not file diversion charges against Respondent (Tr. 10/21/2020, p. 55) and she did not submit any evidence of retaliation from the facility’s administration.

Regarding the allegations contained in paragraph 8 of the Charges, the record establishes on one or more occasions in 2019, while as a nurse at Cambridge Manor, Respondent failed to completely, properly and/or accurately document medical records in connection with the administration of a controlled substance to one or more residents. Specifically, on January 2, 2019, July 5, 2019, September 27, 2019, October 2, October 5, October 10 and October 11, 2019, the record establishes, and Respondent admits that she failed to completely, properly and/or accurately document medical records in connection with the administration of a controlled

² See, fn. 1.

substance to one or more residents. FF 8. Therefore, the Department sustained its burden of proof with respect to these allegations.

Based on the foregoing, the Board finds that the record establishes, and Respondent admits, that her conduct on one or more occasions in 2019 constitutes grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99(b)(2), 20-99(b)(4) and 20-99(b)(5). The conduct admitted, in conjunction with the Department's sustaining its burden, renders Respondent's license subject to sanctions, including among others, revocation, suspension or probation. *See*, Conn. Gen. Stat. §§ 19a-17(a)(1), (2) and (5). Respondent acknowledged that her sobriety is a lifetime commitment. Tr. 10/21/2020, p. 41. Moreover, in consideration of Respondent's taking responsibility for her relapse and illicit substance abuse in 2019, her expressed and continued commitment to pay for psychotherapy out of pocket, attendance at AA meetings and work with her AA sponsor, random urine screening, and support from her family members and friends (Tr. 10/21/2020, pp. 33-34, 36, 39-42), the Board finds that Respondent can practice nursing with reasonable skill and safety under the terms of this Order.

V

Order

Based on the record in this case, the above findings of fact and conclusions of law, and pursuant to the authority vested in it by Conn. Gen. Stat. §§ 19a-17(a)(1), (2) and (5) and 20-99(b)(2), 20-99(b)(4), and 20-99(b)(5), the Board finds that the conduct alleged and proven in each count and each proven count is severable and warrants the disciplinary action imposed by this Order. Therefore, the Board hereby orders, with respect to Respondent's license practical nurse license number 027133, as set forth below:

1. Respondent's license number 027133 shall be placed on probation for a period of four years under the following terms and conditions. If any of the conditions of probation are not met, Respondent's L P.N. license may be subject to disciplinary action pursuant to Conn. Gen. Stat. § 19a-17.
 - A. During the probationary period, the Department shall pre-approve Respondent's employment and/or change of employment within the nursing profession.

- B. 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 during the probationary period.
- C. Respondent shall provide a copy of this Decision to any and all employers if employed as a nurse during the probationary period. The Department shall be notified in writing by any employer(s), within 30 days of the commencement of employment, as to receipt of a copy of this Decision.
- D. If employed as a nurse, Respondent shall cause employer reports to be submitted to the Department, by her immediate supervisor during the probationary period. Employer reports shall be submitted commencing with the report due on the first business day of the month following employment as a nurse. Employer reports shall be submitted monthly for the first and fourth years of the probationary period; and, quarterly for the second and third years of the probationary period.
- E. The employer reports cited in Paragraph D above shall include documentation of Respondent's ability to practice nursing safely and competently. Employer reports shall be submitted directly to the Department at the address cited in Paragraph P below.
- F. If Respondent's employment as a nurse is involuntarily terminated or suspended, Respondent and her employer shall notify the Department within 72 hours of such termination or suspension.
- G. If Respondent pursues further training in any subject area that is regulated by the Department, Respondent shall provide a copy of this Decision to the educational institution or, if not an institution, to Respondent's instructor. Such institution or instructor shall notify the Department in writing as to receipt of a copy of this Decision within 15 days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph P below.
- H. At her expense, Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist, approved by the Department, during the probationary period. Additionally, Respondent shall participate in AA substance abuse support groups at least eight times a month for the entire

probationary period and shall submit to the Department written documentation of her participation and/or attendance.

- I. Respondent shall provide a copy of this Decision to her therapist. The Department shall be notified in writing by her therapist, within 30 days of the effective date of this Decision, as to receipt of a copy of this Decision.
- J. Respondent shall cause evaluation reports to be submitted to the Department by her therapist during the probationary period. Therapist reports shall be submitted monthly for the first, second and fourth years of the probationary period; and, quarterly for the third year of probation.
- K. The therapist reports cited in Paragraph J above shall include documentation of dates of treatment, and an evaluation of Respondent's progress, including alcohol and drug free status, and ability to practice nursing safely and competently. Therapist reports shall be submitted directly to the Department at the address cited in Paragraph P below.
- L. Observed random urine screens
 - (1) At her expense, Respondent shall be responsible for submitting to observed, random chain of custody urine screens for alcohol and drugs for the entire probationary period, at a testing facility approved by the Department. Random alcohol/drug screens shall be legally defensible in that the specimen donor and chain of custody can be identified throughout the screening process.
 - (2) Respondent shall be responsible for notifying the laboratory, her therapist, the Department and her prescribing practitioner of any drug(s) she is taking. For any prescription of a controlled substance(s) for more than two consecutive weeks, Respondent shall cause the provider prescribing the controlled substance(s) to submit quarterly reports to the Department until such time as the controlled substance(s) are no longer prescribed.

The reports shall include the following:

- a. A list of controlled substances prescribed by this provider;
- b. A list of controlled substance(s) prescribed by other providers;

- c. An evaluation of Respondent's need for the controlled substances; and
- d. An assessment of Respondent's continued need for the controlled substance(s).

(3) There must be at least one such observed, random alcohol/drug screen on a *weekly* basis during the first, second and fourth years of the probationary period; and, monthly during the third year of the probationary period.

(4) Random alcohol/drug screens shall be negative for the presence of alcohol and drugs; excluding the drugs that Respondent's providers prescribe. All urine screens for alcohol will be tested for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS) metabolites. All positive screen 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.

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

- | | |
|--------------------------------|-----------------------|
| Amphetamines | Methadone |
| Barbiturates | Methaqualone |
| Benzodiazepines | Opiates (Metabolites) |
| Cannabinoids (THC Metabolites) | Phencyclidine (PCP) |
| Cocaine | Propoxyphene |
| Meperidine (Demerol) | Ethanol (alcohol) |
| Fentanyl | Stadol |
| Tramadol | |

(6) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Department, at the address cited in Paragraph P below, by Respondent's therapist, personal physician or the testing laboratory.

M. Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications. Respondent shall not abuse

and/or excessively use any drugs that are prescribed for a legitimate medical purpose.

- N. Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. The ingestion of mouthwash, over the counter cough suppressants and cold/flu remedies may produce a positive result indicating the presence of alcohol. For that reason, any food substance containing poppy seeds, mouthwash and over the counter cough suppressants and cold/flu remedies should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine and/or alcohol, the ingestion of poppy seeds, mouthwash and over the counter cough suppressants and/or cold/flu remedies shall not constitute a defense to such positive screen.
- O. The Department must be informed in writing prior to any change of address.
- P. All communications, payments if required, correspondence, and reports are to be addressed to:

Lavita Sookram, RN, Nurse Consultant
Practitioner Monitoring and Compliance Unit
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford, CT 06134-0308

- 2. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that Respondent has violated this Order will subject Respondent to sanctions under Conn. Gen. Stat. §§ 19a-17(a) and (c), including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board shall not be a waiver of or preclude the Board's right to take subsequent action. The Board shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to Respondent's address of record (most current address reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department).

3. This document has no bearing on any criminal liability without the written consent of the Director of Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

This Order is effective on the date it is signed by the Board.

The Board hereby informs Respondent, Colleen Gallagher, and the Department of this decision.

Dated at Waterbury, Connecticut this day of May, 2021.

BOARD OF EXAMINERS FOR NURSING

By _____
Patricia C. Bouffard, D.N.Sc., Chair

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Nicholas Lewonczyk, LPN

Petition No. 2017-50

REQUEST FOR RECONSIDERATION OF MEMORANDUM OF DECISION

COMES NOW, the Department of Public Health (hereinafter “the Department”) and respectfully requests, pursuant to Section 4-181a(a) of the Connecticut General Statutes, a reconsideration of the disciplinary terms contained in the Memorandum of Decision issued by the Board of Examiners for Nursing in Petition Number 2017-50 (hereinafter “MOD”). Said MOD places respondent’s license on probation for four years effective April 21, 2021.

The MOD in paragraph 1.E. requires respondent to successfully complete a practical nurse refresher program, pre-approved by the Department. (Respondent’s LPN license has been suspended since May 22, 2017 pursuant to an Interim Consent Order.) However, the MOD requires this refresher program to be taken during the probationary period, without providing any timeframe for completion. This would allow respondent to work as a nurse for four years without beginning a refresher program, and still not be in violation of the MOD. The Department does not believe that this is the intention of the MOD.

This provision, as written, is also in conflict with the Department’s responsibility to pre-approve respondent’s nursing employment during the probationary period. The Department cannot ensure respondent’s ability to practice safely at any time during the probationary period if he has

not first completed the required refresher program, given that he has not practiced as a nurse for approximately four years.

In addition, the MOD does not specify whether a clinical component to the refresher program is required, and so the Department's monitoring unit cannot determine respondent's compliance with the MOD.

Therefore, the Department requests that the MOD be reconsidered and the Order be revised, effective immediately, to:

1. Require successful completion of a practical nurse refresher program *prior to the start of the probationary period*, but restrict respondent's license so that it is only valid for purposes of taking the refresher program until he demonstrates successful completion of said program to the Department; and
2. Specify whether a clinical component to the refresher program is required.

Respectfully submitted,

DEPARTMENT OF PUBLIC HEALTH

Diane Wilan

Diane Wilan, Staff Attorney

May 3, 2021

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

PUBLIC HEALTH HEARING OFFICE

April 26, 2021

Nicholas Lewonczyk
33 Raymond Street
Stratford, CT 06617

VIA EMAIL ONLY (lewonczyks@aol.com)

Diane Wilan, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

Via EMAIL ONLY

RE: Nicholas Lewonczyk, LPN - Petition No. 2017-50

Dear Mr. Lewonczyk and Attorney Wilan,

Enclosed please find the Memorandum of Decision issued by the **Board of Examiners for Nursing** in the above-referenced matter.

Sincerely,

/s/ *Jeffrey A. Kardys*

Jeffrey A. Kardys
Administrative Hearings Specialist
Public Health Hearing Office

c: Susan Castonguay, Assistant Attorney General, Office of the Attorney General
Christian Andresen, Section Chief, Practitioner Licensing and Investigations, DPH
Deborah Brown, Health Program Assistant, Department of Public Health
Lavita Sookram, RN, DPH Monitoring Unit



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

Nicholas Lewonczyk, L.P.N.
License No. 033506

Petition No. 2017-50

MEMORANDUM OF DECISION

I

Procedural Background

On October 30, 2019, the Department of Public Health ("Department") filed a Statement of Charges ("Charges") with the Board of Examiners for Nursing ("Board"). Board ("Bd.") Exhibit ("Ex.") 1. The Charges allege that Nicholas Lewonczyk ("Respondent") violated Chapter 378 of the Connecticut General Statutes ("Conn. Gen. Stat."), subjecting Respondent's licensed practical nurse ("L.P.N.") license number 033506 to disciplinary action pursuant to Conn. Gen. Stat. §§ 19a-17, 20-99(b)(4), and/or 20-99 (b)(5). Bd. Ex. 1.

On February 26, 2020, the Notice of Hearing was sent to Respondent via certified mail, return receipt requested, first class mail, and electronic mail. Bd. Ex. 2. The Notice of Hearing informed that a hearing had been scheduled for March 18, 2020.

On March 13, 2020, a Revised Notice of Hearing was sent to Respondent via first class mail and electronic mail at lewonczyks@aol.com. The Revised Notice of Hearing informed that the location of the March 18, 2020 hearing had been changed. The new location was specified in the Revised Notice of Hearing. Bd. Ex. 3.

On March 16, 2020, a Notice of Postponement was sent to Respondent via email at lewonczyks@aol.com. A new hearing date was not determined at that time. Bd. Ex. 4.

On June 15, 2020, a Notice of Hearing was emailed to Respondent, informing him that the hearing had been rescheduled to July 15, 2020 and would be conducted by video conference.. Bd. Ex. 5.

On July 15, 2020, the hearing was held. Respondent was present at the hearing and was not represented by legal counsel. Attorney Diane Wilan represented the Department. Transcript ("Tr.") p. 3. The hearing was adjourned after Respondent's brief testimony in executive session. Tr. 7/15/2020, p. 15. At the hearing, Respondent requested a continuance in order to obtain his treatment records. The Board granted Respondent's request. Tr. 7/15/2020, pp. 15-17.

The Board continued the hearing to September 16, 2020 in order to provide Respondent sufficient time to obtain updated treatment records. Tr. 7/15/2020, pp. 25-30.

On September 16, 2020, the hearing reconvened. Respondent was present at the hearing and was not represented by legal counsel. Attorney Diane Wilan represented the Department. Tr. 9/16/2020, p. 3.

Following the close of the record, the Board conducted fact finding.

Each member of the Board involved in this decision attests that he or 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. *Pet v. Department of Health Services*, 228 Conn. 651 (1994).

II

Allegations

1. In paragraph 1 of the Charges, the Department alleges that Respondent of Stratford, Connecticut is, and has been at all times, as referenced in the Charges, the holder of Connecticut L.P.N. license number 033506.
2. In paragraph 2 of the Charges, the Department alleges that Respondent has been diagnosed with bipolar and anxiety disorders, cannabis abuse and opioid dependence.
3. In paragraph 3 of the Charges, the Department alleges that Respondent's emotional disorders and/or cannabis abuse and/or opioid dependence does, and/or may affect his practice as a licensed practice nurse.
4. In paragraph 4 of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99(b), including, but not limited to, 20-99(b)(4) and/or 20-99(b)(5).

III

Findings of Fact

1. Respondent, of Stratford, Connecticut, is, and has been at all times, as referenced in the Charges, the holder of Connecticut L.P.N. license number 033506.
2. Respondent has a history of drug abuse including the use of heroin and cannabis. Department ("Dept.") Ex. 1, pp. 1-5, 101-102 (under seal).

3. Sometime between 2011 and 2013, Respondent became addicted to oxycontin. Tr. 7/15/2020, pp. 4-6 (under seal).
4. In November 2013, Respondent was diagnosed with anxiety, bipolar affective disorder, depressed, severe, without mention of psychotic behavior, psychosis and substance abuse. Dept. Ex. 1, pp. 19, 30; Tr. 7/15/2020, pp. 2-3 (under seal).
5. Respondent was hospitalized from December 27, 2016 to January 3, 2017. His diagnoses were: unspecified psychosis not due to a substance or known physiological condition, anxiety disorder, bipolar disorder, and Opioid dependence. Dept. Ex. 1, pp. 2, 18-47, (under seal).
6. Respondent was hospitalized from January 19, 2017 to February 2, 2017. During that hospital admission, Respondent was diagnosed with the following conditions: bipolar 1 disorder, psychosis, bipolar affective disorder, opioid dependence, cannabis abuse, akathisia, and schizoaffective disorder. Dept. Ex. 1, pp. 48-70; Tr. 7/15/2020 pp. 9-10.
7. On May 22, 2017, Respondent entered into an Interim Consent Order (“ICO”), which suspended his license due to his abuse of controlled substances. The ICO provided that Respondent's license shall be surrendered immediately upon the Department's approval of the ICO and his license shall remain suspended until this matter is resolved. Dept. Ex. 1, p. 3 (under seal); Dept. Ex. 1, pp. 75-77; Tr. 7/15/2020, pp. 10-11.
8. On June 5, 2019, Respondent was again diagnosed with anxiety disorder. Dept. Ex. 1, p. 5 (under seal); Tr. 9/16/2020, pp. 21-22 (under seal).
9. On September 16, 2019, Respondent’s urinalysis results were negative for controlled substances, except for benzodiazepine and marijuana. Respondent’s (“Resp.”) Ex. 1, p. 4; Tr. 9/16/2020, pp. 12-14.
10. On September 24, 2019, Respondent’s urinalysis results were negative, except for Ativan (Lorazepam), which was prescribed for him, and cannabis. Dept. Ex. 2, p. 7; Tr. 7/15/2020, p. 10-11; Tr. 7/15/2020 p. 13 (under seal).
11. On May 15, 2020 and July 31, 2020, Respondent’s urinalysis results were negative, except for benzodiazepines, which were prescribed for anxiety. Resp. Ex. 1 pp. 12-13; Tr. 9/16/2020, pp. 14-15 (under seal).
12. Respondent has been diagnosed with bipolar and anxiety disorders, cannabis abuse and opioid dependence. Tr. 7/15/2020, pp. 6-10 (under seal); Dept. Ex. 1, pp. 2, 47, 69-70.
13. Since Respondent’s emotional disorders and/or cannabis abuse and/or opioid dependence does, and/or may affect his practice as a licensed practice nurse, Respondent has been in individual counseling since August 2019 and group counseling since September 2019 (Resp. Ex. 1, p. 3, Tr. 9/16/2020, p. 17, under seal); submits to drug screenings (Resp.

Ex. 1, pp. 4-13 (under seal)), and attended AA/NA meetings before COVID-19 restrictions. Tr. 7/15/2020, pp. 11, 14-15, 17-18 (under seal).

IV

Discussion and Conclusions of Law

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Jones v. Connecticut Medical Examining Board*, 309 Conn. 727, 739-740 (2013).

Conn. Gen. Stat. § 20-99 provides, in pertinent part, that:

(a) The Board ... shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing ... said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17....

(b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following: ... (4) emotional disorder or mental illness; (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; ...

With respect to the allegations contained in the Charges, Respondent admitted the allegation contained in paragraph 1 of the Charges, but denies the allegations contained in paragraphs 2 and 3 of the Charges. Tr. 7/15/2020, pp. 5-6. However, the Board finds that the Department sustained its burden of proof by a preponderance of the evidence with respect to all of the allegations contained in paragraphs 1, 2 and 3 of the Charges. Findings of Fact (“FF”) 1-13.

With respect to the allegations contained in paragraph 2 of the Charges, the record establishes that Respondent was diagnosed with bipolar and anxiety disorders, cannabis abuse and opioid dependence. Respondent has a history of using heroin and cannabis. FF 2, 3, 4, 5, 6, 8, 9, 10, 11, 12.

In 2013, Respondent became addicted to oxycontin. FF 3. In November 2013, Respondent was diagnosed with anxiety, bipolar affective disorder, depression, psychosis, and substance abuse. FF 4.

During a hospital admission from December 27, 2016 to January 3, 2017, Respondent was diagnosed with unspecified psychosis, anxiety disorder, bipolar disorder, and opioid dependence. FF 5.

During a hospital admission from January 19, 2017 to February 2, 2017, Respondent was diagnosed with bipolar 1 disorder, psychosis, bipolar affective disorder, opioid dependence, cannabis abuse, akathisia, and schizoaffective disorder. FF 6.

On May 22, 2017, Respondent entered into an Interim Consent Order (“ICO”) due to his abuse of controlled substances. The ICO provided that Respondent's license shall be surrendered immediately upon the Department's approval of the ICO and his license shall remain suspended until this matter is resolved. FF 7. On June 5, 2019, Respondent was again diagnosed with anxiety disorder. FF 8.

On September 16, 2019, Respondent’s urinalysis results were negative, except for benzodiazepine and marijuana. FF 9. Respondent testified that he takes over the counter CBD oil for concussion type symptoms. The CBD oil contains 0.3 percent THC which is categorized as cannabis in his urine screens. Respondent denies consuming any cannabis. Tr. 7/15/2020, p. 13 (under seal); Tr. 7/15/2020 p. 11. On September 24, 2019, Respondent’s urinalysis results were negative for controlled substances, except for Ativan (Lorazepam), which was prescribed for him, and cannabis. FF 10.

On May 15, 2020 and July 31, 2020, Respondent’s urinalysis results were negative, except for benzodiazepines, which were prescribed to him for anxiety. FF 11. Respondent has been diagnosed with bipolar and anxiety disorders, cannabis abuse and opioid dependence. FF 12.

Since Respondent’s emotional disorders and/or cannabis abuse and/or opioid dependence does, and/or may affect his practice as a licensed practice nurse, Respondent has been in individual counseling since August 2019 and group counseling since September 2019; submits to drug screenings and attended AA/NA meetings before COVID-19 restrictions. FF 13.

The conduct admitted, in conjunction with the Department sustaining its burden of proof, renders Respondent’s license subject to sanctions, including, among others, revocation, suspension, or probation. *See*, Conn. Gen. Stat. §§ 19a-17(a) (1), (2), and (5). Nonetheless, based on Respondent’s renewed commitment to his sobriety, via participation in individual and group therapy, Respondent's testimony that he attends AA/NA weekly meetings, and random negative urine screens, except for prescribed medications (Tr. 9/16/2020, pp. 25-29), the Board finds that Respondent can practice nursing with reasonable skill and safety under the terms of this Order.

Order

Based on the record in this case, the above findings of fact, and conclusions of law, and pursuant to the authority vested in it by Conn. Gen. Stat. §§ 19a-17(a)(1), (2), and (5) and 20-99(b)(4) and (5), the Board finds that the conduct alleged and proven is severable and warrants the disciplinary action imposed by this Order. Therefore, the Board hereby orders, with respect to Respondent's license number 033506, the following:

1. Respondent's license shall be placed on probation for a period of four years under the following terms and conditions. If any of the conditions of probation are not met, Respondent's L.P.N. license may be subject to disciplinary action pursuant to Conn. Gen. Stat. § 19a-17.
 - A. During the period of probation, the Department shall pre-approve Respondent's employment and/or change of employment within the nursing profession.
 - B. 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 during the probationary period.
 - C. Respondent shall provide a copy of this Decision to any and all employers if employed as a nurse during the probationary period. The Department shall be notified in writing by any employer(s), within 30 days of the commencement of employment, as to receipt of a copy of this Decision.
 - D. Respondent shall not administer, count, or have access to controlled substances, or have responsibility for such activities in the course of nursing duties during the first six months of working as a nurse during the probationary period.
 - E. Respondent shall successfully complete a practical nurse refresher program, pre-approved by the Department. Within 30 days of completion of the course, Respondent shall provide proof, to the satisfaction of the Department, of his successful completion of the refresher program.
 - F. If employed as a nurse, Respondent shall cause employer reports to be submitted to the Department by his immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of the month following employment as a nurse. Employer

reports shall be submitted at least monthly for the first, second and fourth years of the probationary period and quarterly for the third year of the probationary period.

- G. The employer reports cited in Paragraph F above shall include documentation of Respondent's ability to practice nursing safely and competently. Employer reports shall be submitted directly to the Department at the address cited in Paragraph R below.
- H. Should Respondent's employment as a nurse be involuntarily terminated or suspended, Respondent and his employer shall notify the Department within 72 hours of such termination or suspension.
- I. If Respondent pursues further training in any subject area that is regulated by the Department, Respondent shall provide a copy of this Decision to the educational institution or, if not an institution, to Respondent's instructor. Such institution or instructor shall notify the Department in writing as to receipt of a copy of this Decision within 15 days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph R below.
- J. At his expense, Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist, approved by the Department, during the entire probationary period. Additionally, Respondent shall obtain a sponsor and participate in AA/NA meetings at least 10 times a month for the entire probationary period and shall submit to the Department written documentation of his participation and/or attendance.
- K. Respondent shall provide a copy of this Decision to his therapist. The Department shall be notified in writing by his therapist, within 30 days of the effective date of this Decision, as to receipt of a copy of this Decision.
- L. Respondent shall cause evaluation reports to be submitted to the Department by his therapist during the entire probationary period. Therapist reports shall be submitted at least monthly for the first and fourth years of the probationary period and at least quarterly for the second and third years of the probationary period.
- M. The therapist reports cited in Paragraph L above shall include documentation of dates of treatment and an evaluation of Respondent's progress, including alcohol

and drug free status and ability to practice nursing safely and competently.

Therapist reports shall be submitted directly to the Department at the address cited in Paragraph R below.

N. Observed random urine screens

- (1) At his expense, Respondent shall be responsible for submitting to observed, random, chain of custody urine screens for alcohol and drugs for the entire probationary period at a testing facility approved by the Department. Random alcohol/drug screens shall be legally defensible in that specimen donor and chain of custody can be identified throughout the screening process.
- (2) Respondent shall be responsible for notifying the laboratory, his therapist, the Department, and his prescribing practitioner of any drug(s) he is taking. For any prescription of a controlled substance(s) for more than two consecutive weeks, Respondent shall cause the provider prescribing the controlled substance(s) to submit quarterly reports to the Department, until such time as the controlled substance(s) is no longer prescribed. The reports shall include the following:
 - a. A list of controlled substances prescribed by the provider;
 - b. A list of controlled substance(s) prescribed by other providers;
 - c. An evaluation of Respondent's need for the controlled substance; and
 - d. An assessment of Respondent's continued need for the controlled substance(s).
- (3) There must be at least one such observed, random alcohol/drug screen on a weekly basis during the first, second and fourth years of the probationary period and at least twice monthly during the and third year of the probationary period.
- (4) Random alcohol/drug screens shall be negative for the presence of alcohol and drugs, excluding the drugs that Respondent's providers prescribe. All urine screens for alcohol will be tested for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS) metabolites. All positive screen 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.

- (5) Random alcohol/drug screens must include testing for the following substances:

| | |
|--------------------------------|-----------------------|
| Amphetamines | Methadone |
| Barbiturates | Methaqualone |
| Benzodiazepines | Opiates (Metabolites) |
| Cannabinoids (THC Metabolites) | Phencyclidine (PCP) |
| Cocaine | Propoxyphene |
| Meperidine (Demerol) | Ethanol (alcohol) |
| Fentanyl | Stadol |
| Tramadol | |

- (6) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Department at the address cited in Paragraph R below by Respondent's therapist, personal physician, or the testing laboratory.

- O. 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. Respondent shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.
- P. Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. The ingestion of mouthwash, over the counter cough suppressants, and cold/flu remedies may produce a positive result indicating the presence of alcohol. For that reason, any food substance containing poppy seeds, mouthwash, and over the counter cough suppressants and cold/flu remedies should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine and/or alcohol, the ingestion of poppy seeds, mouthwash, and over the counter cough suppressants and/or cold/flu remedies shall not constitute a defense to such positive screen.
- Q. The Department must be informed in writing prior to any change of address.

- R. All communications, payments, if required, correspondence, and reports are to be addressed to:

Lavita Sookram, RN, Nurse Consultant
Practitioner Monitoring and Compliance Unit
Department of Public Health
Division of Health Systems Regulation
Board of Examiners for Nursing
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford, CT 06134-0308

4. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that Respondent has violated this Order will subject Respondent to sanctions under Conn. Gen. Stat. §§ 19a-17(a) and (c), including but not limited to, the revocation of his license. 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 subsequent action. The Board shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to Respondent's address of record (most current address reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department).
5. This document has no bearing on any criminal liability without the written consent of the Director of Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

This Order is effective on the date it is signed by the Board.

The Board hereby informs Respondent, Nicholas Lewonczyk, and the Department of this decision.

Dated at Waterbury, Connecticut this 21st day of April, 2021.

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Bouffard, D.N.Sc.
Patricia C. Bouffard, D.N.Sc., Chair

CERTIFICATION

I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Amended Memorandum of Decision was sent this 26th day of April 2021, by email to:

Nicholas Lewonczyk
33 Raymond Street
Stratford, CT 06617

and via email to:

Diane Wilan, Staff Attorney
Office of Legal Compliance
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134-0308

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys
Administrative Hearings Specialist
Department of Public Health
Public Health Hearing Office

SUMMARY SUSPENSION COVER SHEET

In Re: Adrienne DeLucia, RN

Petition No. 2021-317

1. Adrienne DeLucia of Wallingford, Connecticut (“respondent”) graduated from Southern Connecticut State University and was licensed to practice nursing in 2002.
2. On February 19, 2014, the Connecticut Board of Examiners for Nursing (“the Board”) issued a Consent Order in Petition No. 2013-1028 (“Consent Order”) placing respondent’s license on probation for four years based, in part, upon respondent’s diversion of Demerol from medical stock and her abuse of Percocet.
3. On August 5, 2014, respondent’s license was summarily suspended for violating the probationary terms of the Consent Order.
4. In October 2015, respondent surrendered her nursing license.
5. On December 5, 2018, respondent’s license was reinstated pursuant to a Reinstatement Consent Order, Petition No. 2018-285 (“Reinstatement Consent Order”). The Reinstatement Consent Order placed respondent’s license on probation for four (4) years and prohibits her from obtaining or using alcohol and requires her, in part, to submit to random, negative urine screens. The Reinstatement Consent requires EtG testing and states that an EtG at a level of 1000 ng/mL or higher constitutes a positive screen for the presence of alcohol.
6. On or about April 8, 2021, respondent abused and/or utilized to excess alcohol.
7. On or about April 9, 2021, respondent’s urine tested positive for alcohol when her urine screen tested with an EtG level of 3686 ng/mL.
8. Respondent’s abuse and/or excess use of alcohol does, and/or may, affect her practice as a nurse.
9. For the foregoing reasons, the Department believes that respondent’s practice of nursing represents a clear and immediate danger to the public health and safety. The Department respectfully requests that the Board summarily suspend respondent’s nursing license until a full hearing on the merits can be held.

CONFIDENTIALITY NOTICE: This document and all attachments may contain information that is confidential or privileged. Please do not disseminate, distribute or copy the contents or discuss with parties who are not directly involved in this petition. Thank you.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Adrienne DeLucia, RN

Petition No. 2021-317

MOTION FOR SUMMARY SUSPENSION

The Department of Public Health (hereinafter "the Department") hereby moves in accordance with Connecticut General Statutes §§4-182(c) and 19a-17(c) that the Connecticut Board of Examiners for Nursing summarily suspend Adrienne DeLucia's Connecticut nursing license. This motion is based on the attached Statement of Charges, Affidavit and on the Department's information and belief that Adrienne DeLucia's continued nursing practice represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 4th day of May, 2021.



Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Adrienne DeLucia, RN

Petition No. 2021-317

STATEMENT OF CHARGES

Pursuant to Connecticut General Statutes §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Adrienne DeLucia:

1. Adrienne DeLucia of Wallingford, Connecticut (hereinafter "respondent") is the holder of Connecticut registered nursing license number 069413.
2. On December 5, 2018, respondent's license was placed on probation for four (4) years pursuant to Reinstatement Consent Order, Petition No. 2018-285 ("Reinstatement Consent Order"). The Reinstatement Consent Order placed respondent's license on probation for four (4) years and prohibits her from obtaining or using alcohol and requires her, in part, to submit to random, negative urine screens. The Reinstatement Consent requires EtG testing and states that an EtG at a level of 1000 ng/mL or higher constitutes a positive screen for the presence of alcohol.
3. On or about April 8, 2021, respondent abused and/or utilized to excess alcohol.
4. On or about April 9, 2021, respondent's urine tested positive for alcohol when her urine screen tested with an EtG level of 3686 ng/mL.
5. Respondent's abuse and/or excess use of alcohol does, and/or may, affect her practice as a nurse.
6. Respondent's conduct as described above constitutes a violation of the Reinstatement Consent Order's probationary terms and constitutes grounds for disciplinary action pursuant to Connecticut Statutes §20-99 including but not limited to §20-99(b)(5).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing, as authorized by Connecticut General Statutes §§20-99(b) and 19a-17, revoke or order other disciplinary action against respondent's nursing license as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 4th day of May, 2021.



Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Mary Ann Connelly, R.N.

Petition No. 2019-1277

CONSENT ORDER COVER SHEET

1. Mary Ann Connelly ("respondent") graduated from Nassau Community College in 1969. She was granted a Connecticut nursing license by endorsement in October 1998. She has not been previously disciplined.
2. Respondent worked as a school nurse at Guilford High School in Guilford, Connecticut in 2018 and 2019.
3. On several occasions, respondent charted that student/patient #1 and student/patient #2 were absent from school. In fact both students/patients were present at school and respondent failed to administer their medication.
4. On several occasions, respondent failed to: a) completely, properly and/or accurately document medical records; b) administer and/or document administration of controlled substance medications to student/patients; c) appropriately waste and/or document wasting of controlled substance medications; d) safeguard and keep a proper count of student/patients' controlled substance medications; and/or document the administration, waste, and/or return of controlled substance medications.
5. The proposed Consent Order places a reprimand on respondent's license and places her license on probation for eighteen months with the following terms:
 - quarterly employer reports;
 - coursework in handling and documentation of controlled substances; and
 - no solo employment.
6. The Department and respondent, through her attorney, respectfully request the Board to accept the proposed Consent Order.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Mary Ann Connelly, R.N.

Petition No. 2019-1277

CONSENT ORDER

WHEREAS, Mary Ann Connelly (hereinafter "respondent") of Madison, Connecticut, has been issued license number R55979 to practice as a registered nurse by the Connecticut Department of Public Health (hereinafter "the Department") pursuant to Connecticut General Statutes, Chapter 378, as amended.

WHEREAS, the Department alleges:

1. At all times mentioned, respondent worked as a school nurse at Guilford High School in Guilford, Connecticut in 2018 and 2019.
2. On several occasions, respondent charted that student/patient #1 and student/patient #2 were absent from school. In fact both students/patients were present at school and respondent failed to administer their medication.
3. On several occasions during this above-mentioned time period, respondent failed to: a) completely, properly and/or accurately document medical records; b) administer and/or document administration of controlled substance medications to student/patients; c) appropriately waste and/or document wasting of controlled substance medications; d) safeguard and keep a proper count of student/patients' controlled substance medications; and/or document the administration, waste, and/or return of controlled substance medications.

4. The above-described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99(b), including but not limited to §§20-99(b)(2) and/or 20-99(b)(7).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for the purpose of this or any future proceedings before the Connecticut State Board of Examiners for Nursing (hereinafter "the Board"). Respondent agrees that for the purpose of this or any future proceedings before the Board this Consent Order shall have the same effect as if ordered after a full hearing pursuant to Connecticut General Statutes §§19a-9, 19a-10, and 20-99(a).

NOW THEREFORE, pursuant to Connecticut General Statutes §§19a-17 and 20-99(a), respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent's Connecticut registered nurse number R55979 is hereby reprimanded.
3. Respondent shall comply with all federal and state statutes and regulations applicable to her profession.
4. Respondent's Connecticut registered nurse number R55979 is hereby placed on probation for eighteen months, subject to the following terms and conditions:
 - A. Respondent shall provide a copy of this Consent Order to all current and future employers for the duration of her probation.
 - B. Respondent shall be responsible for the provision of quarterly written reports directly to the Department from her nursing supervisor (i.e., Health Services Coordinator, Local or Regional Board of Education supervisor) if practicing nursing. Respondent shall provide a copy of this Consent Order to any and all

employers if practice of nursing 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 nursing, and shall be issued to the Department at the address cited in paragraph H below. A report indicating that respondent is not practicing with reasonable skill and safety shall be deemed to be a violation of this Consent Order.

- C. Respondent shall attend and successfully complete coursework in handling and documentation of controlled substances, pre-approved by the Department within the first sixty (60) days of probation. Within fourteen (14) days of the completion of such course(s), respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of each course(s).
- D. 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.
- E. Respondent shall notify the Department in writing of any change of employment within fifteen (15) days of such change.
- F. Respondent shall notify the Department of any change in her home or business address within fifteen (15) days of such change.
- G. 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.
- H. All correspondence and reports shall be addressed to:

Lavita Sookram, R.N., Nurse Consultant
Practitioner Compliance and Monitoring Unit
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

5. 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. Respondent shall pay all costs necessary to comply with this Consent Order.
6. 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.
7. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
8. 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.
9. Respondent understands this Consent Order is a public record.
10. Respondent understands and agrees that this Consent Order shall be deemed as evidence of the above-alleged violations in any proceeding before the Board in which (1) respondent's compliance with this same Consent Order is at issue, or (2) respondent's compliance with Connecticut General Statutes §20-99(b), as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services.

11. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practice of nursing, upon request by the Department, for a period not to exceed 45 days. 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 nursing 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 §§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.
12. 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 nursing license before the Board.
13. In the event respondent does not practice nursing for periods of thirty (30) consecutive days or longer, respondent shall notify the Department in writing. Such periods of times shall not be counted in reducing the probationary period covered by this Consent Order and such terms shall be held in abeyance. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order. In the event respondent resumes the practice of nursing, respondent shall provide the Department with thirty (30) days prior written notice. Respondent shall not return to the practice of nursing without written pre-approval from the Department. Respondent agrees that the Department, in its complete discretion, may require additional documentation from respondent and/or require respondent to satisfy other conditions or terms as a condition precedent to respondent's return to practice. Respondent agrees that any return to the practice of nursing

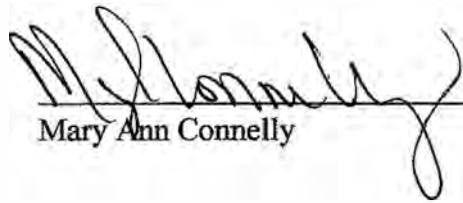
without pre-approval from the Department shall constitute a violation of this Consent Order and may subject the respondent to further disciplinary action.

14. If, during the period of probation, respondent practices nursing outside Connecticut, respondent shall provide written notice to the Department concerning such practice. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing nursing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to the practice of nursing in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 4 above.
15. 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. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to Connecticut General Statutes §4-181a. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent Order is not subject to appeal or review under the provisions of Connecticut General Statutes, Chapters 54 and 368a 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 the United States.
16. 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 agree that the Board has complete and final discretion as to whether an executed Consent Order is

approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a hearing on a Statement of Charges resulting in a proposed decision and/or final decision by the Board.

17. This Consent Order is a revocable offer of settlement, which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
18. Respondent consulted with her attorney prior to signing this Consent Order.
19. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
20. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this Consent Order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Mary Ann Connelly, 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.



Mary Ann Connelly

Subscribed and sworn to before me this day of April 23, 2021, ~~2020~~

*expires
2/28/22*



Notary Public/Commissioner Superior Court

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 29th day of April, 2021, it is hereby accepted.



Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut State Board of Examiners for Nursing on the _____ day of _____, 2021 it is hereby ordered and accepted.

BY: _____
Connecticut Board of Examiners for Nursing

CONSENT ORDER COVER SHEET

In re: Stephanie D. Kennedy, R.N.

Petition No. 2020-606

1. Stephanie D. Kennedy of Anna, Texas (hereinafter "respondent") was issued license number 165269 to practice as a registered nurse on October 8, 2019.
2. Respondent graduated from the Collins County Community College in 2016.
3. Respondent has no disciplinary history.
4. The Department's Practitioner Licensing and Investigations Section opened this petition after receiving information that the Texas Board of Nursing disciplined respondent's license to practice nursing in the State of Texas.
5. On or about June 23, 2020, the Texas Board of Nursing ordered a sanction of remedial education against respondent's Texas nursing license based upon respondent's failure to properly waste the unused portion of Dilaudid she withdrew from a medication dispensing system on or about March 5, 2019 and/or upon a finding that respondent administered Verapamil, a blood pressure medication, instead of the ordered Versed, a sedative, on or about June 12, 2019.
6. The proposed Consent Order provides for a reprimand.
7. The Department and respondent respectfully request that the Board accept the proposed Consent Order.

CONFIDENTIALITY NOTICE: This document and all attachments may contain information that is confidential or privileged. Please do not disseminate, distribute or copy the contents or discuss with parties who are not directly involved in this petition.

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH

In re: Stephanie Dawn Kennedy, R.N.

Petition No. 2020-606

CONSENT ORDER

WHEREAS, Stephanie Dawn Kennedy (hereinafter "respondent") of Anna, Texas has been issued license number 165269 to practice as a registered nurse by the Connecticut 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. On or about June 23, 2020, The Texas Board of Nursing ordered that respondent shall receive the sanction of remedial education with respect to her license(s) and/or privilege(s) to practice nursing in the State of Texas. Said disciplinary action was based, in part, upon respondent's failure to properly waste the unused portion of Dilaudid she withdrew from a medication dispensing system on or about March 5, 2019 and/or upon a finding that respondent administered Verapamil, a blood pressure medication, instead of the ordered Versed, a sedative, on or about June 12, 2019.
2. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §§19a-17(f) and/or 20-99, including, but not limited to §20-99(b)(2).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above-admitted violations or allegations at a hearing before the Board of Examiners for Nursing

(hereinafter "the Board"). Respondent agrees that for the purpose of this or any future proceedings before the Board, this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(a) 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 respondent's right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to respondent's profession.
3. Respondent's license number 165269 to practice as a registered nurse in the State of Connecticut is hereby reprimanded.
4. Respondent shall pay all costs necessary to comply with this Consent Order.
5. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
6. This Consent Order is effective on the date this Consent Order is approved and accepted by the Board.
7. Respondent understands this Consent Order is a matter of public record.
8. Respondent understands and agrees that this Consent Order shall be deemed as evidence of the above-admitted violations in any proceeding before the Board in which (1) respondent's compliance with this same Consent Order is at issue, or (2) respondent's compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue. Further, respondent

understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services.

9. 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. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to §4-181a of the General Statutes of Connecticut without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. 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.
10. 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 agree that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance

on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision and/or final decision by the Board.

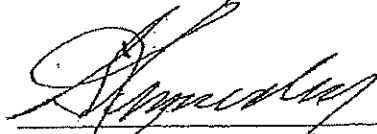
11. This Consent Order is a revocable offer of settlement, which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
12. Respondent has had the opportunity to consult with an attorney prior to signing this document.
13. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only and is not intended to affect any civil or criminal liability or defense.
14. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

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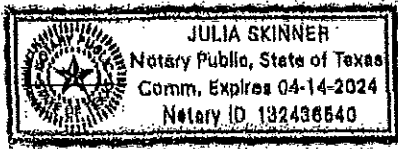
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I, Stephanie Dawn Kennedy, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

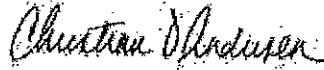

Stephanie Dawn Kennedy

Subscribed and sworn to before me this third day of March, 2021.




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 30th day of March, 2021, it is hereby accepted.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the _____ day of _____, 2021, it is hereby ordered and accepted.

BY: _____
Connecticut Board of Examiners for Nursing



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Registered Nurse License Number 901557
issued to STEPHANIE DAWN KENNEDY

§
§
§
§

AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of STEPHANIE DAWN KENNEDY, Registered Nurse License Number 901557, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 18, 2019.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Collin County Community College, McKinney, Texas, on May 13, 2016. Respondent was licensed to practice professional nursing in the State of Texas on June 21, 2016.
5. Respondent's nursing employment history includes:

| | | |
|-----------------|---------|-------------------------------------|
| 7/2016 - 6/2017 | RN | HCA-Medical City McKinney, Texas |
| 7/2017 | Unknown | |

Respondent's nursing employment history continued:

| | | | |
|--------|---------|---------|--|
| 8/2017 | 3/2019 | RN | Baylor Scott & White Medical Center Frisco, Texas |
| 4/2019 | 6/2019 | RN | Texoma Medical Center Denison, Texas |
| 7/2019 | 8/2019 | Unknown | |
| 9/2019 | Present | RN | AmerisourceBergen Corporation Frisco, Texas |

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Baylor Scott & White Medical Center, Frisco, Texas, and had been in that position for one (1) year and seven (7) months.
7. On or about March 5, 2019, while employed as a Registered Nurse with Baylor Scott & White Medical Center, Frisco, Texas, Respondent withdrew Dilaudid from the medication dispensing system for Patient Medical Record Number F000246143 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medication. Respondent's conduct left medication unaccounted for and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. On or about June 12, 2019, while employed as a Registered Nurse with Texoma Medical Center, Denison, Texas, Respondent administered Verapamil, a blood pressure medication, to Patient Financial Institution Number 28198919 instead of the ordered Versed, a sedative. Failure to administer medication as ordered by a physician could result in the patient suffering from adverse reactions.
9. In response to Finding of Fact Number Seven (7), Respondent states she failed to waste the remaining Dilaudid after she was asked to go with the patient to Phase II. In regards to Finding of Fact Number Eight (8), Respondent states that when she took the vial out of the Pyxis, she saw "Ver" on it and believed it to be Versed, but when she and a witness attempted to waste the medication, they discovered that she had instead withdrawn Verapamil.
10. On or about March 7, 2020, Respondent successfully completed a Board approved class in Jurisprudence and Ethics, which would have been a requirement of this Order.
11. On or about March 7, 2020, Respondent successfully completed a Board approved class in Nursing Documentation, which would have been a requirement of this Order.

12. On or about March 9, 2020, Respondent successfully completed a Board approved class in Sharpening Critical Thinking Skills, which would have been a requirement of this Order.
13. On or about March 27, 2020, Respondent successfully completed a Board approved class in Medication Administration, which would have been a requirement of this Order.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11 (1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(4),(10)(C)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 901557, heretofore issued to STEPHANIE DAWN KENNEDY.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

- C. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 23rd day of June, 2020.


STEPHANIE DAWN KENNEDY, RESPONDENT

Sworn to and subscribed before me this _____ day of _____, 20_____.

SEAL

Notary Public in and for the State of _____

Approved as to form and substance.



Alejandro Mora, Attorney for Respondent

Signed this 23rd day of June, 2020.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 23rd day of June, 2020, by STEPHANIE DAWN KENNEDY, Registered Nurse License Number 901557, and said Agreed Order is final.

Effective this 23rd day of June, 2020.



Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Tracy Maluk, R.N.

Petition No. 2020-1223

CONSENT ORDER COVER SHEET

1. Tracy Maluk ("respondent") graduated from Bridgeport Hospital School of Nursing and was licensed to practice nursing in 2000.
2. Respondent has not been previously disciplined.
3. On or about November 20, 2020, while practicing nursing at RegalCare of Torrington in Torrington, Connecticut respondent:
 - a. diverted oxycodone from patient(s) and/or from medication stock;
 - b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
 - c. falsified one or more Controlled Substance Receipt Records.
4. On multiple occasions during in November and/or December 2020, respondent abused and/or utilized oxycodone to excess.
5. The proposed Consent Order places respondent's license on probation for four years with the following terms:
 - Urine screens once a week for the 1st and 4th year, then twice monthly for the 2nd and 3rd years;
 - Therapy and employer reports monthly for the 1st and 4th year and quarterly for the 2nd and 3rd years;
 - Anonymous or support meetings; and
 - Narcotic access restricted for one year.
6. The Department and respondent respectfully request the Board to accept the proposed Consent Order.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Tracy Maluk, RN

Petition No. 2020-1223

CONSENT ORDER

WHEREAS, Tracy Maluk ("respondent") of Hamden, Connecticut has been issued Connecticut licensed registered nurse license number 063687 by the Department of Public Health ("the Department") pursuant to Connecticut General Statutes Chapter 378, as amended.

WHEREAS, respondent admits:

1. At all relevant times, respondent was practicing nursing at RegalCare of Torrington in Torrington, Connecticut.
2. On or about November 20, 2020, respondent:
 - a. diverted oxycodone from patient(s) and/or from medication stock;
 - b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
 - c. falsified one or more Controlled Substance Receipt Records.
3. On multiple occasions during in November and/or December 2020, respondent abused and/or utilized oxycodone to excess.
4. Respondent's abuse and/or excess use of oxycodone does, and/or may, affect her ability to practice nursing.
5. The above-described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99(b), including but not limited to:
 - a. §20-99(b)(2); and/or
 - b. §20-99(b)(5).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above-admitted violation(s) at a hearing before the Board of Examiners for Nursing ("the Board").

Respondent agrees that for the purpose of this or any future proceedings before the Board this Consent Order shall have the same effect as if ordered after a full hearing pursuant to Connecticut General Statutes §§19a-9, 19a-10, and 20-99(a).

NOW THEREFORE, pursuant to Connecticut General Statutes §§19a-17 and 20-99(a), respondent hereby stipulates and agrees to the following:

1. Respondent waives respondent's right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to respondent's profession.
3. Respondent's Connecticut licensed registered nurse issued license number 063687 is hereby placed on probation for four years, subject to the following terms and conditions:
 - A. At respondent's own expense, respondent shall engage in therapy and counseling with a Connecticut licensed therapist (hereinafter "therapist") approved by the Department for the entire probationary period.
 - (1) Respondent shall provide a copy of this Consent Order to respondent's therapist.
 - (2) 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 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 respondent's 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 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. Respondent shall inform said health care professional of respondent's substance abuse history.

- (1) At respondent's own expense, respondent 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 the therapist and/or personal physician. Laboratory reports of random alcohol and drug screens shall be submitted directly to the Board and the Department 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) Respondent shall be responsible for notifying the laboratory, therapist, the Department and respondent's prescribing practitioner of any drug(s) respondent is taking. For the prescription of a controlled substance(s) for more than two consecutive weeks, the respondent shall cause the provider prescribing the controlled substance(s) to submit quarterly reports to the Department, until such time as the controlled substance(s) are not prescribed by the provider, documenting the following:
 1. A list of controlled substances prescribed by this provider for the respondent;
 2. A list of controlled substance(s) prescribed by other providers;
 3. An evaluation of the respondent's need for the controlled substance;
 4. An assessment of the respondent's continued need for the controlled substance(s).
- (3) There must be at least one such observed random alcohol/drug screen and accompanying laboratory report every week for the first and fourth years of probation; and then twice monthly at least two such screens and reports every month for the second and third years of probation.
- (4) There must be at least two (2) random tests for Ethylglucuronide (EtG) and accompanying laboratory reports every month for the first and fourth years of probation and at least (1) such random test and report every month for the remainder of the probationary period.

- (5) All screens shall be negative for the presence of drugs and alcohol. agrees that an EtG test report of EtG at a level of 1000ng/mL or higher shall be deemed to constitute a positive screen for the presence of alcohol under this Consent Order. Respondent understands and agrees that if respondent fails to submit a urine sample when requested by respondent's monitor, such missed screen shall be deemed a positive screen.
 - (6) All positive screen results shall be confirmed by gas chromatograph/mass spectrometer (GC/MS) testing.
 - (7) Respondent is hereby advised that the ingestion of poppy seeds, mouthwash and over the counter cough or cold medicines or remedies has from time to time, been raised as a defense to a positive screen result for morphine, opiates and/or alcohol and as a defense of an EtG at 1000ng/mL or higher. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances, mouthwash and over the counter cough or cold medicines or remedies during the term of this Consent Order. In the event respondent has a positive screen for morphine, opiates and/or alcohol or if respondent's test reports an EtG at 1000ng/mL or higher, respondent agrees that the ingestion of poppy seeds and/or mouthwash and/or over the counter cough or cold medicines or remedies shall not constitute a defense to such a screen.
- C. Respondent shall be responsible for the provision of written reports from respondent's therapist directly to the Department for the entire probationary period; monthly for the first and fourth years of probation; and, quarterly reports for the second and third years of probation. Such reports shall include

documentation of dates of treatment, an evaluation of respondent's progress in treatment and of respondent's drug and alcohol free status as established by the observed random urine screens for drugs and alcohol, an evaluation of respondent's ability to safely and competently practice nursing, and copies of all laboratory reports. A report indicating that respondent is not able to practice nursing safely and competently shall be deemed to be a violation of this Consent Order.

- 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 respondent's profession.
- E. Respondent shall provide a copy of this Consent Order to all current and future employers for the duration of probation.
- F. 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 probation.
- G. Respondent shall not administer, count, or have access to narcotics or other controlled substances, or have responsibility for such activities in the course of nursing duties for the first year after returning to work as a nurse.
- H. Respondent shall be responsible for the provision of written reports directly to the Department from respondent's nursing supervisor (i.e., Director of Nursing) monthly for the first and fourth years of her probation; and quarterly for the second and third years of 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 Department shall be notified in writing by any employer(s) within fifteen (15) days of 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 Department at the address cited in paragraph 3N below. A report indicating that respondent is not practicing with reasonable skill and safety deemed to be a violation of this Consent Order.

- I. During the entire probationary period, respondent shall attend "anonymous" or support group meetings on an average of eight to ten times per month and shall provide quarterly reports to the Department concerning respondent's record of attendance.
- J. Respondent shall notify the Department in writing of any change of employment within fifteen (15) days of such change.
- K. Respondent shall notify the Department of any change in respondent's home or business address within fifteen (15) days of such change.
- L. 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.
- M. 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.

N. All correspondence and reports shall be addressed to:

Lavita Sookram, R.N., Nurse Consultant
Practitioner Compliance and Monitoring Unit
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

6. 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 nursing license following notice and an opportunity to be heard. Respondent shall pay all costs necessary to comply with this Consent Order.
7. 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.
8. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Department.
9. 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.
10. Respondent understands this Consent Order is a public record.
11. Respondent understands and agrees that this Consent Order shall be deemed as evidence of the above-admitted violations in any proceeding before the Board in which (1) respondent's compliance with this same Consent Order is at issue, or (2) respondent's compliance with Connecticut General Statutes §20-99(b), as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the

National Practitioner Data Bank maintained by the United States Department of Health and Human Services.

12. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a nurse, upon request by the Department, for a period not to exceed forty-five (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 forty-five (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 §§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.
13. If, during the period of probation, respondent practices nursing outside Connecticut, respondent shall provide written notice to the Department concerning such practice. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to the practice of nursing in Connecticut, respondent shall

provide the Department with thirty (30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 3 above.

14. 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.
15. 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. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to Connecticut General Statutes §4-181a without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent Order is not subject to appeal or review under the provisions of Connecticut General Statutes Chapters 54 and 368a 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.
16. 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 agree that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process,

through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision and/or final decision by the Board.

17. This Consent Order is a revocable offer of settlement, which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
18. Respondent has had the opportunity to consult with an attorney prior to signing this document.
19. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
20. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

*

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I, Tracy Maluk, 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.

Tracy Maluk
Tracy Maluk

Subscribed and sworn to before me this 1 day of May, 2021.

Maribel Treichel
Notary Public/Commissioner Superior Court

MARIBEL TREICHEL
Notary Public
Connecticut
My Commission Expires Apr 30, 2022

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 5th day of May, 2021, it is hereby accepted.

Christian D. Andresen

Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the _____ day of _____, 2021, it is hereby ordered and accepted.

BY: _____
Connecticut Board of Examiners for Nursing

REINSTATEMENT CONSENT ORDER COVER SHEET

Chanelle Walker, R.N.

Petition No.: 2019-640

1. Chanelle Walker of Sharon, Massachusetts, (hereinafter “respondent”) was issued license number 144218 on August 16, 2017 to practice as a registered nurse. Respondent’s license expired on July 31, 2019 and lapsed on October 30, 2019.
2. Respondent entered into an Interim Consent Order with the Department which became effective July 29, 2019.
3. The Department filed a Statement of Charges in this matter on November 13, 2020. The Department is presenting a Consent Order to the Board as of today’s date in order to resolve the pending Statement of Charges, subject to respondent’s compliance with the terms and conditions of this Reinstatement Consent Order.
4. Respondent has applied to have her license reinstated by the Department.
5. Respondent has a history of abusing drugs and alcohol, which does, and/or may, affect her ability to practice as a registered nurse.
6. Respondent has a history of mental illness and/or an emotional disorder, which does, and /or may affect her ability to practice registered nursing.
7. On or about January 23, 2019 respondent was issued license number 079606-21 to practice as a registered nurse by the State of New Hampshire.
8. Respondent entered into a Preliminary Agreement Not to Practice registered nursing in the State of New Hampshire, effective on or about May 24, 2019, as a result of a drug overdose.
9. The proposed Reinstatement Consent Order requires 1) a four year probation, 2) observed random drug and alcohol screens once a week for the first and fourth years of probation and twice a month for the second and third years of probation, 3) written reports from her therapist monthly for the first and fourth years of probation and quarterly for the second and third years of probation; 4) written reports from her employer monthly for the first and fourth years of probation and quarterly for the second and third years of the probationary period, 5) no access to controlled substances for the first year of the probationary period, 6) AA meetings, and 6) no solo practice during the probationary period. Respondent and the Department respectfully request that the Board of Examiners for Nursing approve and accept this Reinstatement Consent Order.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Channelle Walker

Petition No. 2019-640

CONSENT ORDER

WHEREAS, Channelle Walker (hereinafter "respondent") of Sharon, Massachusetts, was issued license number 144218 to practice as a registered nurse by the Connecticut Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent entered into an Interim Consent Order with the Department which became effective July 29, 2019; and

WHEREAS, respondent's license to practice registered nursing expired on July 31, 2019 and lapsed October 30, 2019; and

WHEREAS, the Department filed a Statement of Charges in this matter on November 13, 2020; and

WHEREAS, respondent has applied to the Department for reinstatement of her registered nurse license.

WHEREAS, respondent hereby admits and acknowledges that:

1. Respondent has a history of abusing drugs and alcohol.
2. Respondent's abuse of drugs and alcohol does, and/or may, affect her ability to practice as a registered nurse.
3. Respondent has a history of mental illness and/or an emotional disorder.
4. Respondent's history of mental illness and/or emotional disorder does, and/or may affect her ability to practice registered nursing.

5. On or about January 23, 2019 respondent was issued license number 079606-21 to practice as a registered nurse by the State of New Hampshire.
6. Respondent entered into a Preliminary Agreement Not to Practice registered nursing in the State of New Hampshire, effective on or about May 24, 2019, as a result of a drug overdose.
7. 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)(4); and/or
 - b. §20-99(b)(5).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above-admitted violation(s) or allegation(s) at a hearing before the Board of Examiners for Nursing (hereinafter "the Board"). Respondent agrees that for the purpose of this or any future proceedings before the Board this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(a) 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 respondent's right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to respondent's profession.
3. Respondent has entered into a Reinstatement Consent Order with the Department in Petition Number 2021-290 which, when approved and accepted by the Board, will allow respondent to reinstate her license subject to terms and conditions. Said Reinstatement Consent Order in Petition Number 2021-290 is incorporated herein by reference as if set forth in full.

4. In the event that respondent's license is reinstated, the four-year probation and the terms and conditions placed on her reinstated license pursuant to the above-referenced Reinstatement Consent Order is hereby ordered by the Board. Respondent agrees that a breach of the probation's terms and conditions shall be subject to disciplinary action against her license and herself by the Board.
5. This Consent Order hereby resolves the pending Statement of Charges in Petition Number 2019-640, provided respondent complies, to the satisfaction of the Department, with all terms and conditions contained in the above-referenced Reinstatement Consent Order and this Consent Order.
6. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
7. This Consent Order is effective immediately upon approval and acceptance by the Board.
8. Respondent understands this Consent Order is a matter of public record.
9. Respondent understands and agrees that this Consent Order shall be deemed as evidence of the above-admitted violations in any proceeding before the Board in which (1) respondent's compliance with this same Consent Order is at issue, or (2) respondent's compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue.
10. 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. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards and respondent waives any right to seek

reconsideration or modification of this Consent Order pursuant to §4-181a of the General Statutes of Connecticut without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. 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.

11. 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 agree that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision and/or final decision by the Board.
12. This Consent Order is a revocable offer of settlement, which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
13. Respondent has had the opportunity to consult with an attorney prior to signing this document.
14. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's

Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.

15. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.


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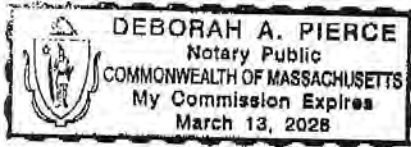
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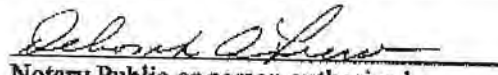
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I, Channelle Walker, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Channelle Walker

Subscribed and sworn to before me this 5 day of May, 2021.




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 _____ day of _____, 2021, it is hereby accepted.

Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the _____ day of _____, 2021, it is hereby ordered and accepted.

BY: _____
Connecticut Board of Examiners for Nursing

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Channelle Walker

Petition No. 2021-290

REINSTATEMENT CONSENT ORDER

WHEREAS, Channelle Walker of Sharon, Massachusetts (hereinafter "respondent") was issued license number 144218 on August 16, 2017 to practice as a 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 entered into an Interim Consent Order with the Department which became effective July 29, 2019; and

WHEREAS, respondent's license to practice registered nursing expired on July 31, 2019 and lapsed October 30, 2019; and

WHEREAS, the Department filed a Statement of Charges in this matter on November 13, 2020, which has been resolved by Consent Order dated May 19, 2021 subject to her compliance with the terms and conditions of this Reinstatement Consent Order below; and

WHEREAS, respondent has now applied to have said license reinstated by the Department pursuant to Chapter 368a of the General Statutes of Connecticut, as amended.

WHEREAS, respondent hereby admits and acknowledges that:

1. Respondent has a history of abusing drugs and alcohol.
2. Respondent's abuse of drugs and alcohol does, and/or may, affect her ability to practice as a registered nurse.

3. Respondent has a history of mental illness and/or an emotional disorder.
4. Respondent's history of mental illness and/or emotional disorder does, and/or may affect her ability to practice registered nursing.
5. On or about January 23, 2019 respondent was issued license number 079606-21 to practice as a registered nurse by the State of New Hampshire.
6. Respondent entered into a Preliminary Agreement Not to Practice registered nursing in the State of New Hampshire, effective on or about May 24, 2019, as a result of a drug overdose.
7. The conduct described above constitutes grounds for denial of respondent's application for reinstatement pursuant to §19a-14(a)(6) of the General Statutes of Connecticut.

WHEREAS, respondent, in consideration of this Reinstatement Consent Order, has chosen not to contest the above-admitted violations at a hearing in front of the Board of Examiners for Nursing (hereinafter "the Board"). Respondent further agrees that this Reinstatement Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(a) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-17 and 20-99 of the General Statutes of Connecticut, as amended, respondent hereby stipulates and agrees as follows:

1. She waives her right to a hearing on the merits of this matter.
2. Respondent's license to practice as a registered nurse shall be reinstated when she satisfies the requirements for reinstatement of her license, as set forth in §§ 19a-14-1 through 19a-14-5, inclusive, of the Regulations of Connecticut State Agencies, and this Reinstatement Consent Order is executed by all parties.
3. Immediately upon issuance, respondent's registered nurse license shall be placed on probation for four (4) years, subject to the following terms and conditions:

- A. At her own expense, respondent shall engage in therapy and counseling with a Connecticut licensed therapist (hereinafter "therapist") approved by the Board and the Department for the entire probationary period.
- (1) She shall provide a copy of this Reinstatement 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 Reinstatement Consent Order within fifteen (15) days of the effective date of this Reinstatement 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/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. Respondent shall inform said licensed health care professional of respondent's substance abuse history.

- (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 and/or any other drug or alcohol related laboratory reports, including but not limited to results of DNA testing, 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) Respondent shall be responsible for notifying the laboratory, her therapist, the Board, the Department and her prescribing practitioner of any drug(s) she is taking. For the prescription of a controlled substance(s) for more than two consecutive weeks, the respondent shall cause the provider prescribing the controlled substance(s) to submit quarterly reports to the Board and the Department, until such time as the controlled substance(s) are not prescribed by the provider, documenting the following:

1. A list of controlled substances prescribed by this provider for the respondent;
 2. A list of controlled substance(s) prescribed by other providers;
 3. An evaluation of the respondent's need for the controlled substance;
 4. An assessment of the respondent's continued need for the controlled substance(s).
- (3) There must be at least one (1) such observed random alcohol/drug screen and accompanying laboratory report every week for the first and fourth years of probation; and, at least two (2) such screens and reports every month for the remainder of the probationary period.
- (4) There must be at least two (2) random tests for Ethylglucuronide (EtG) and accompanying laboratory reports every month for the first and fourth years of probation and at least one (1) such random test and report every month for the remainder of the probationary period.
- (5) All screens shall be negative for the presence of drugs and alcohol. Respondent agrees that an EtG test report of EtG at a level of 1000ng/mL or higher shall be deemed to constitute a positive screen for the presence of alcohol under this Consent Order.
- (6) All positive screen results shall be confirmed by gas chromatograph/mass spectrometer (GC/MS) testing.
- (7) Respondent is hereby advised that the ingestion of poppy seeds, mouthwash and over the counter cough or cold medicines or remedies has from time to time, been raised as a defense to a positive screen result for morphine, opiates and/or alcohol

and as a defense of an EtG at 1000ng/mL or higher. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances, mouthwash and over the counter cough or cold medicines or remedies during the term of this Consent Order. In the event respondent has a positive screen for morphine, opiates and/or alcohol or if respondent's test reports an EtG at 1000ng/mL or higher, respondent agrees that the ingestion of poppy seeds and/or mouthwash and/or over the counter cough or cold medicines or remedies 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 Board and the Department for the entire probationary period; monthly for the first and fourth years of probation; and, quarterly reports for the second and third years 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 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. 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.

- F. 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 after returning to work as a nurse.
- G. Respondent shall provide a copy of this Reinstatement Consent Order to any and all employers if employed as a nurse 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 Reinstatement Consent Order. Respondent shall be responsible for the provision of written reports directly to the Department from her nursing supervisor (i.e., Director of Nursing) monthly for the first and fourth years of her probation and quarterly for the second and third years of probation. Employer reports shall include documentation of respondent's ability to safely and competently practice nursing, and shall be issued to the Department at the address cited in paragraph 3M below.
- H. Respondent shall notify the Board and the Department in writing of any change of employment within fifteen (15) days of such change.
- I. Respondent shall notify the Board and the Department of any change in her home or business address within fifteen (15) days of such change.
- J. During the entire probationary period, respondent shall attend "anonymous" or support group meetings on an average of eight to ten times per month, and shall provide quarterly reports to the Department concerning her record of attendance.
- K. If respondent pursues further training or is engaged, in an educational program in any subject area that is regulated by the Department, at the time of the implementation of the Reinstatement Consent Order respondent shall provide a copy of this Reinstatement

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 Reinstatement Consent Order within fifteen (15) days of receipt.

- L. All reports required by the terms of this Reinstatement Consent Order shall be due according to a schedule to be established by the Department of Public Health.
- M. All correspondence and reports shall be addressed to:

Lavita Sookram, R.N., Nurse Consultant
Practitioner Compliance and Monitoring Unit
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

- 4. Any violation of the terms of this Reinstatement Consent Order without prior written approval by the Department 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 Department shall not be a waiver or preclude the Board'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. Respondent shall comply with all federal and state statutes and regulations applicable to her profession.
- 7. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
- 8. In the event respondent violates a term of this Reinstatement Consent Order, respondent agrees immediately to refrain from practicing as a 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.

9. In the event respondent violates any term of this Reinstatement Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Board.
10. If, during the period of probation, respondent practices registered nursing outside Connecticut, she shall provide written notice to the Department concerning such employment. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to the practice of registered nursing in Connecticut, respondent agrees to comply with all terms and conditions contained in paragraph 3 above.

11. This Reinstatement Consent Order and the terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent agrees that this Reinstatement Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to §4-181a of the General Statutes of Connecticut. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Reinstatement Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the Connecticut General Statutes provided that this stipulation shall not deprive respondent of any other rights that she may have under the laws of the State of Connecticut or of the United States.
12. Respondent permits a representative of the Department to present this Reinstatement Consent Order and the factual basis for this Reinstatement Consent Order to the Board. The Department and respondent understand that the Board has complete and final discretion as to whether an executed Reinstatement Consent Order is approved or accepted.
13. This Reinstatement Consent order is effective when accepted and approved by a duly appointed agent of the Board.
14. This Reinstatement Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
15. Respondent has the right to consult with an attorney prior to signing this document.

16. Respondent understands and agrees that this Reinstatement Consent Order is a matter of public record. Respondent further understands and agrees that this Reinstatement Consent Order shall be deemed as evidence of the above-admitted violations in any proceeding before the Board in which (1) her compliance with this same Reinstatement Consent Order is at issue, or (2) her compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Reinstatement Consent Order shall be reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services.
17. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
18. This Reinstatement Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this Reinstatement Consent Order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

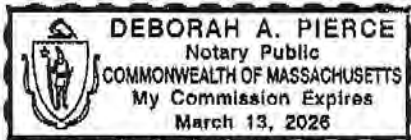
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I, Channelle Walker, have read the above Reinstatement Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Reinstatement Consent Order to be my free act and deed.

[Handwritten Signature]
Channelle Walker

Subscribed and sworn to before me this 5 day of May 2021.



[Handwritten Signature]
Notary Public or person authorized
by law to administer an oath or
affirmation

The above Reinstatement Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the _____ day of _____, 2021, it is hereby accepted.

Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Reinstatement Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the _____ day of _____, 2021, it is hereby ordered and accepted.

BY: _____
Connecticut Board of Examiners for Nursing

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH

In re: Stacey Kinsley, RN

Petition No. 2020-972

STATEMENT OF CHARGES

Pursuant to Connecticut General Statutes §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Stacey Kinsley:

1. Stacey Kinsley of Newtown, Connecticut (hereinafter "respondent") is the holder of Connecticut registered nursing license number E60493.
2. On or about August 27, 2020, respondent was practicing nursing at Danbury Hospital in Danbury, Connecticut. On said date, respondent:
 - a. diverted lorazepam from a patient and/or from medication stock;
 - b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
 - c. falsified one or more Controlled Substance Receipt Records
3. On multiple occasions in 2020, January 2021, February 2021, and/or March 2021, respondent abused or utilized to excess alcohol.
4. From approximately 2020 through the present, respondent has or had emotional disorders and/or mental illnesses ("diagnoses").
5. Respondent's diagnoses and/or abuse and/or excessive use of alcohol, does, and/or may, affect her practice of nursing.
6. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99 including but not limited to
 - f. §20-99(b)(2);
 - g. §20-99(b)(4);
 - h. §20-99(b)(5);
 - i. §20-99(b)(6); and/or
 - j. §20-99(b)(7).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing as authorized by Connecticut General Statutes §§20-99(b) and 19a-17, revoke or order other disciplinary action against respondent's nursing license as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 7th day of April, 2021.



Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Stacey Kinsley, RN

Petition No. 2020-972

MOTION FOR SUMMARY SUSPENSION

The Department of Public Health (hereinafter "the Department") hereby moves in accordance with Connecticut General Statutes §§4-182(c) and 19a-17(c) that the Connecticut Board of Examiners for Nursing summarily suspend respondent's nursing license in Connecticut. This motion is based on the attached Statement of Charges, Affidavits and on the Department's information and belief that respondent's continued nursing practice represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 7th day of April, 2021.



Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

In re: Stacey Kinsley, RN

Petition Nos. 2020-972

SUMMARY SUSPENSION ORDER

WHEREAS, the Department of Public Health having moved for an order of summary suspension in this matter and having submitted duly verified affidavits in support of its motion; and,

WHEREAS, said affidavits allege facts which show violations of §20-99(b) of the Connecticut General Statutes, and which imperatively require emergency action in that the public health, safety or welfare of the citizens of the State of Connecticut is in clear and immediate danger.

NOW, THEREFORE, pursuant to §4-182(c) and §19a-17(c) of the Connecticut General Statutes, it is hereby **ORDERED**, by vote of the Board of Examiners for Nursing:

1. That license number E60493 of Stacey Kinsley, to practice as a registered nurse in the State of Connecticut is hereby summarily suspended pending a final determination by the Board of Examiners for Nursing regarding the allegations contained in the Statement of Charges, and
2. That said license shall be *immediately surrendered* to the Department of Public Health, Public Health Hearing Office, 410 Capitol Avenue, MS#13PHO, P.O. Box 340308, Hartford, CT 06134-0308 upon notification of this Order, and
3. That a hearing in this matter is scheduled for the 19th day of May 2021, at 9:00 a.m. The hearing will be held by video conference.

Dated at Waterbury, Connecticut this 21st day of April, 2021.

Patricia C. Bouffard
Patricia C. Bouffard, D.N.Sc., RN, Chair
Connecticut Board of Examiners for Nursing



Phone: (860) 509-7566 • Fax: (860) 707-1904
Telecommunications Relay Service 7-1-1
410 Capitol Avenue, P.O. Box 340308
Hartford, Connecticut 06134-0308
www.ct.gov/dph

Affirmative Action/Equal Opportunity Employer



STATE OF CONNECTICUT
CONNECTICUT BOARD OF EXAMINERS FOR NURSING

Stacey Kinsley ,RN
c/o Eric Chester, Esq.
Ferguson, Doyle & Chester, P.C.
35 Marshall Road
Rocky Hill, CT 06067

VIA EMAIL (ericchester@fdclawoffice.com)

RE: Stacey Kinsley, RN - Petition No. 2020-972

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at 9:00 AM on **May 19, 2021**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

These Charges are being brought against you under the provisions of the Sections 19a-9, 19a-10 and 20-99(b) of the Connecticut General Statutes. The hearing will be conducted in accordance with Chapter 54 of the General Statutes of Connecticut and Section 19a-9-1, et seq., of the Regulations of Connecticut State Agencies (Public Health Code).

At the hearing you will have the opportunity to present your evidence, including witnesses and documents. It will be your responsibility to provide the hearing connection link to any witnesses you may call.

Filing an Answer; Failure to File Answer:

You are required to file an answer to the attached Charges with the Department of Public Health within 14 days from the date of this Notice of Hearing. *Please note: failure to file an Answer could result in the allegations being found to be true as stated, and the possibility that you will not be permitted to submit any evidence concerning the allegations.*

Representation by an Attorney:

At the aforementioned hearing you may be represented by an attorney and present evidence on your behalf. Although you may represent yourself (pro se), you are urged to obtain the services of an attorney.

Documents:

If you intend to introduce documents into evidence, **YOU MUST COMPLY WITH THE FOLLOWING REQUIREMENTS:**

Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted.

The following information shall be redacted.

- (1) Date of birth
- (2) Mother's maiden name
- (3) Motor vehicle operator's license number
- (4) Social Security Number
- (5) Other government-issued identification number
- (6) Health insurance identification number
- (7) Financial account number
- (8) Security code or personal identification number (PIN)

Order Re: Filings

In preparation for this hearing you must, no later than May 5, 2021, provide the information specified in the attached Notice for Submissions.

All communications to the Board shall be submitted in this fashion. The Department or Respondent shall provide a copy of each document filed to Respondent or Department as the case may be and certify such to the Board.

Failure to Appear:

If you fail to appear at the hearing, upon proof that due notice was served upon you to appear, the Board may proceed in the same manner as though you were present in person. **The Board may hold a fact-finding meeting immediately following the close of the record.**

Please call 860-509-7566 as soon as possible if you have any questions about the hearing schedule.

Dated at Hartford, Connecticut this 23 rd day of April, 2021.

For the Connecticut Board of Examiners for Nursing

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist

c: Christian Andresen, Section Chief, Practitioner Licensing and Investigations
Joelle Newton, Staff Attorney, Office of Legal Compliance

The Department of Public Health is an equal opportunity provider and employer.

*If you require aid/accommodation to participate fully and fairly,
please contact the Public Health Hearing Office at 860-509-7566.*

Notice for Submissions

The hearing in the matter of Stacey Kinsley, RN has been scheduled for May 19, 2021 and will be conducted remotely through Microsoft Teams/teleconference.

On or before May 5, 2021, you must provide the following by electronic mail response to the hearing office at phho.dph@ct.gov

1. Electronically Pre-filed exhibits – Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted. *Parties and/or counsel should stipulate to any exhibits and facts not in dispute, and provide any objections to proposed exhibits.* All exhibits also must be sent to the opposing party or counsel.
2. Witness List – identify any persons expected to be called to testify. Be sure to notify your witnesses that they will be required to remain available and in attendance for the full duration of the hearing. (This will eliminate the difficulty of trying to reach witnesses again for rebuttal or additional examination later in the hearing). Witness lists also must be sent to the opposing party or counsel.
3. Photo Identification: a copy of a government-issued photo identification of the parties and witnesses.
4. Electronic Mail (“e-mail”) addresses for parties, counsel and witnesses. All e-mail addresses must be current and able to receive all notices relating to this matter.
5. Cellphone numbers for all parties, counsel, and witnesses at which they can be reached and respond to text message during the hearing (in the event a connection is lost).
6. A statement whether executive session may be required to receive testimony containing personal protected information, and if so, what that information may be (treatment records, patient records, therapy reports). Parties or counsel should identify any witnesses listed in response to #2 above who may provide testimony relating to personal protected information requiring executive session.
7. A statement whether an interpreter will be needed for the proceeding.

This is a formal public hearing. It will be video recorded and posted on the DPH website for public viewing. All hearing participants should appear in proper attire, in proper surroundings, and remove any potential distractions.

In preparation, please make sure all of your devices are fully functioning and properly charged. All participants are required to have video and audio functions on when testifying or speaking. Our office will contact you again 3 to 5 calendar days prior to the hearing to provide you with any further instructions and a Microsoft Teams link / phone number and code to enter the hearing.

Should you have any question please contact the hearing office at phho.dph@ct.gov.

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BOARD OF EXAMINERS FOR NURSING

In re: Stacey Kinsley, RN

Petition Nos. 2020-972

RESPONDENT'S ANSWER TO STATEMENT OF CHARGES

This matter is scheduled for a Hearing before the Board of Examiners for Nursing on May 19, 2021. The Respondent incorporates by reference its Objection to Motion for Summary Suspension filed to this Board on or about April 20, 2021. The Respondent further Answers the Department's Statement of Charges as follows:

1. Admitted.
2. Denied as charged.
 - a. Respondent mistakenly took home lorazepam that was dispensed for a patient but not administered nor needed. Respondent placed the medication in her nursing scrub uniform and accidentally left her workplace while it was still in her possession. The medication was not diverted to the Respondent, but returned to the hospital shortly thereafter.
 - b. Deny as charged. This allegation lacks specificity and therefore the Respondent reserves her right to respond more fully at Hearing.
 - c. Deny as charged. This allegation lacks specificity and therefore the Respondent reserves her right to respond more fully at Hearing.

FERGUSON, DOYLE & CHESTER, P.C.
ATTORNEYS AT LAW

3. Deny as charged. Respondent admits that she has abused or utilized to excess alcohol. Respondent further Answers that she has and continues to seek and participate in treatment. See Respondent's Exhibits B, D, E, F, H, I and J.
4. Respondent admits that she has been experiencing trauma in recent months and has sought and participated in on-going treatment. Respondent further asserts that a diagnosis of an emotional disorder or mental illness is not, in and of itself, sufficient to warrant disciplinary action.
5. Deny as charged. Respondent asserts that her previous struggles with abuse of alcohol may affect her practice of nursing, however, Respondent's twenty-three years of service as a nurse is unblemished. There is no evidence that Respondent's service has been impacted. See Respondent's Exhibit A.
6. Deny as charged. To the extent that any disciplinary actions are warranted, Respondent avers they should be remedial rather than unnecessarily punitive.

THEREFORE, the Respondent prays that:

The Connecticut Board of Examiners for Nursing exercise its reasonable discretion in administering remedial actions that will ensure the Respondent can continue her service as a licensed registered nurse safely, effectively and with any support system the Board and the General Statutes may allow for.

Dated at Rocky Hill, Connecticut this 6th day of May, 2021.

FERGUSON, DOYLE & CHESTER, P.C.

ATTORNEYS AT LAW

35 MARSHALL ROAD ~ ROCKY HILL, CT 06067 ~ TEL. (860) 529-4762 ~ FAX (860) 529-0339 ~ JURIS No. 401708

RESPECTFULLY SUBMITTED,

By



Eric W. Chester
FERGUSON, DOYLE & CHESTER, P.C.
Her Attorneys
35 Marshall Road
Rocky Hill, CT 06067
Ph. (860) 529-4762
Fax (860) 529-0339
Juris No. 401708
ericchester@fdclawoffice.com
office@fdclawoffice.com

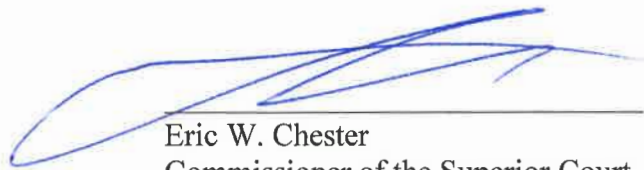
FERGUSON, DOYLE & CHESTER, P.C.

ATTORNEYS AT LAW

35 MARSHALL ROAD ~ ROCKY HILL, CT 06067 ~ TEL. (860) 529-4762 ~ FAX (860) 529-0339 ~ JURIS No. 401708

CERTIFICATION

The undersigned hereby certifies that on May 6, 2021 a copy was emailed to the State of Connecticut Board of Examiners for Nursing phho.dph@ct.gov and Attorney Joelle Newton joelle.newton@ct.gov.



Eric W. Chester
Commissioner of the Superior Court

FERGUSON, DOYLE & CHESTER, P.C.

ATTORNEYS AT LAW

35 MARSHALL ROAD ~ ROCKY HILL, CT 06067 ~ TEL. (860) 529-4762 ~ FAX (860) 529-0339 ~ JURIS No. 401708

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: David Martin, R. N.

Petition No. 2021-242

STATEMENT OF CHARGES

Pursuant to Connecticut General Statutes, §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against David Martin:

FIRST COUNT

1. David Martin of Thomaston, Connecticut (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut registered nurse license number 143914.
2. On or about February 25, 2021, respondent abused and/or utilized to excess heroin.
3. Respondent's abuse and/or excess use of heroin does, and/or may, affect his practice as a nurse.
4. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99(b), including but not limited to §20-99(b)(5).

SECOND COUNT

5. Paragraphs 1 and 2 are incorporated herein by reference as if set forth in full.
6. On November 18, 2020, the Connecticut Board of Examiners for Nursing (hereinafter "the Board") ordered a Consent Order in Petition Number 2019-31 (hereinafter "the Consent Order") that placed respondent's nursing license on probation for a period of four (4) years. Such disciplinary action was based, in part, upon respondent's admitted diversion of dilaudid and/or his abuse or excess use of controlled substances and alcohol.
7. The Consent Order required, in part, that respondent shall not obtain or use controlled substances unless prescribed for a legitimate therapeutic purpose by a licensed health care professional; that respondent shall submit to observed random urine screens for drugs and alcohol; and that if respondent fails to submit a urine sample when requested to do so by his monitor, such missed screen shall be deemed to be a positive screen.
8. On or about March 1 and/or March 10, 2021, respondent failed to submit a urine sample when requested to do so by his monitor.
9. Respondent's conduct as described above constitutes violations of the terms of probation as set forth in the Consent Order, and subjects respondent's license to revocation or other disciplinary action authorized by Connecticut General Statutes §§19a-17 and 20-99(b).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing, as authorized by Connecticut General Statutes §§20-99(b) and 19a-17, revoke or order other disciplinary action against the license of David Martin as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 13th day of April, 2021.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

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**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: David Martin, R.N.

Petition No. 2021-242

MOTION FOR SUMMARY SUSPENSION

The Department of Public Health (hereinafter "the Department") hereby moves in accordance with Connecticut General Statutes §§4-182(c) and 19a-17(c) that the Connecticut Board of Examiners for Nursing summarily suspend the license of David Martin to practice nursing in Connecticut. This motion is based on the attached Statement of Charges, Affidavits and on the Department's information and belief that the continued practice of David Martin represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 13th day of April, 2021.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

In re: **David Martin, RN**

Petition Nos. 2021-242

SUMMARY SUSPENSION ORDER

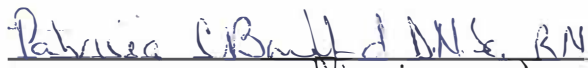
WHEREAS, the Department of Public Health having moved for an order of summary suspension in this matter and having submitted duly verified affidavits in support of its motion; and,

WHEREAS, said affidavits allege facts which show violations of §20-99(b) of the Connecticut General Statutes, and which imperatively require emergency action in that the public health, safety or welfare of the citizens of the State of Connecticut is in clear and immediate danger.

NOW, THEREFORE, pursuant to §4-182(c) and §19a-17(c) of the Connecticut General Statutes, it is hereby **ORDERED**, by vote of the Board of Examiners for Nursing:

1. That license number 143914 of David Martin to practice as a registered nurse in the State of Connecticut is hereby summarily suspended pending a final determination by the Board of Examiners for Nursing regarding the allegations contained in the Statement of Charges, and
2. That said license shall be ***immediately surrendered*** to the Department of Public Health, Public Health Hearing Office, 410 Capitol Avenue, MS#13PHO, P.O. Box 340308, Hartford, CT 06134-0308 upon notification of this Order, and
3. That a hearing in this matter is scheduled for the 19th day of May 2021, at 9:00 a.m. The hearing will be held by video conference.

Dated at Waterbury, Connecticut this 21st day of April, 2021.


Patricia C. Bouffard, D.N.Sc., RN, Chair
Connecticut Board of Examiners for Nursing



Phone: (860) 509-7566 • Fax: (860) 707-1904
Telecommunications Relay Service 7-1-1
410 Capitol Avenue, P.O. Box 340308
Hartford, Connecticut 06134-0308
www.ct.gov/dph

Affirmative Action/Equal Opportunity Employer



STATE OF CONNECTICUT
CONNECTICUT BOARD OF EXAMINERS FOR NURSING

David Martin, RN
68 Walnut Street
Thomaston, CT 06787

VIA EMAIL (ind.7@hotmail.com)

RE: David Martin , RN - Petition No. 2021-242

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at 9:00 AM on **May 19, 2021**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

These Charges are being brought against you under the provisions of the Sections 19a-9, 19a-10 and 20-99(b) of the Connecticut General Statutes. The hearing will be conducted in accordance with Chapter 54 of the General Statutes of Connecticut and Section 19a-9-1, et seq., of the Regulations of Connecticut State Agencies (Public Health Code).

At the hearing you will have the opportunity to present your evidence, including witnesses and documents. It will be your responsibility to provide the hearing connection link to any witnesses you may call.

Filing an Answer; Failure to File Answer:

You are required to file an answer to the attached Charges with the Department of Public Health within 14 days from the date of this Notice of Hearing. Please note: failure to file an Answer could result in the allegations being found to be true as stated, and the possibility that you will not be permitted to submit any evidence concerning the allegations.

Representation by an Attorney:

At the aforementioned hearing you may be represented by an attorney and present evidence on your behalf. Although you may represent yourself (pro se), you are urged to obtain the services of an attorney.

Documents:

If you intend to introduce documents into evidence, **YOU MUST COMPLY WITH THE FOLLOWING REQUIREMENTS:**

Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted.

The following information shall be redacted.

- (1) Date of birth
- (2) Mother's maiden name
- (3) Motor vehicle operator's license number
- (4) Social Security Number
- (5) Other government-issued identification number
- (6) Health insurance identification number
- (7) Financial account number
- (8) Security code or personal identification number (PIN)

Order Re: Filings

In preparation for this hearing you must, no later than May 5, 2021, provide the information specified in the attached Notice for Submissions.

All communications to the Board shall be submitted in this fashion. The Department or Respondent shall provide a copy of each document filed to Respondent or Department as the case may be and certify such to the Board.

Failure to Appear:

If you fail to appear at the hearing, upon proof that due notice was served upon you to appear, the Board may proceed in the same manner as though you were present in person. **The Board may hold a fact-finding meeting immediately following the close of the record.**

Please call 860-509-7566 as soon as possible if you have any questions about the hearing schedule.

Dated at Hartford, Connecticut this 23rd day of April, 2021.

For the Connecticut Board of Examiners for Nursing

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist

c: Christian Andresen, Section Chief, Practitioner Licensing and Investigations
Linda Fazzina, Staff Attorney, Office of Legal Compliance

The Department of Public Health is an equal opportunity provider and employer.

*If you require aid/accommodation to participate fully and fairly,
please contact the Public Health Hearing Office at 860-509-7566.*

Notice for Submissions

The hearing in the matter of **David Martin, RN** has been scheduled for **May 19, 2021** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **May 5, 2021**, you must provide the following by electronic mail response to the hearing office at poho.dph@ct.gov

1. Electronically Pre-filed exhibits – Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted. *Parties and/or counsel should stipulate to any exhibits and facts not in dispute, and provide any objections to proposed exhibits.* All exhibits also must be sent to the opposing party or counsel.
2. Witness List – identify any persons expected to be called to testify. Be sure to notify your witnesses that they will be required to remain available and in attendance for the full duration of the hearing. (This will eliminate the difficulty of trying to reach witnesses again for rebuttal or additional examination later in the hearing). Witness lists also must be sent to the opposing party or counsel.
3. Photo Identification: a copy of a government-issued photo identification of the parties and witnesses.
4. Electronic Mail (“e-mail”) addresses for parties, counsel and witnesses. All e-mail addresses must be current and able to receive all notices relating to this matter.
5. Cellphone numbers for all parties, counsel, and witnesses at which they can be reached and respond to text message during the hearing (in the event a connection is lost).
6. A statement whether executive session may be required to receive testimony containing personal protected information, and if so, what that information may be (treatment records, patient records, therapy reports). Parties or counsel should identify any witnesses listed in response to #2 above who may provide testimony relating to personal protected information requiring executive session.
7. A statement whether an interpreter will be needed for the proceeding.

This is a formal public hearing. It will be video recorded and posted on the DPH website for public viewing. All hearing participants should appear in proper attire, in proper surroundings, and remove any potential distractions.

In preparation, please make sure all of your devices are fully functioning and properly charged. All participants are required to have video and audio functions on when testifying or speaking. Our office will contact you again 3 to 5 calendar days prior to the hearing to provide you with any further instructions and a Microsoft Teams link / phone number and code to enter the hearing.

Should you have any question please contact the hearing office at poho.dph@ct.gov.

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH

In re: Denise Ambrose, L.P.N.

Petition No. 2019-751

STATEMENT OF CHARGES


Pursuant to the General Statutes of Connecticut, §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Denise Ambrose:

1. Denise Ambrose of Southington, Connecticut (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nursing license number 036078.
2. During the course of approximately January 2019 through April 2019, while working as a licensed practical nurse at Apple Rehabilitation, respondent:
 - a. Diverted oxycodone for personal use;
 - b. Failed to completely, properly and/or accurately document medical or hospital records; and/or
 - c. Falsified one or more Controlled Substance Receipt Records.
3. During the course of approximately January 2019 through May 2019, respondent abused and/or utilized to excess oxycodone.
4. Respondent's abuse and/or utilization to excess of oxycodone does, and/or may, affect her practice as a licensed practical nurse.
5. Respondent's conduct as described above constitutes a violation of the terms of probation as set forth in the May 15, 2019 Consent Order, and subjects respondent's license to revocation or other disciplinary action authorized by the General Statutes of Connecticut, §§19a-17 and 20-99(b).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing, as authorized by the General Statutes of Connecticut, §§20-99(b) and 19a-17, revoke or order other disciplinary action against the license of Denise Ambrose as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 12th day of December 2019.



Barbara Cass, R.N., Branch Chief
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Denise Ambrose, L.P.N.

Petition No. 2019-751

MOTION FOR SUMMARY SUSPENSION

The Department of Public Health (hereinafter "the Department") hereby moves in accordance with the General Statutes of Connecticut §§4-182(c) and 19a-17(c) that the Connecticut Board of Examiners for Nursing summarily suspend the license of Denise Ambrose to practice licensed practical nursing in Connecticut. This motion is based on the attached Statement of Charges, Affidavits and on the Department's information and belief that the continued practice of licensed practical nursing represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 12th day of December 2019.



Barbara Cass, R.N., Branch Chief
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Denise Ambrose, LPN

Petition No. 2019-751

SUMMARY SUSPENSION ORDER


WHEREAS, the Department of Public Health having moved for an order of summary suspension in this matter and having submitted duly verified affidavits in support of its motion; and

WHEREAS, said affidavits allege facts which show violations of §20-99(b) of the Connecticut General Statutes, and which imperatively require emergency action in that the public health, safety or welfare of the citizens of the State of Connecticut is in clear and immediate danger.

NOW, THEREFORE, pursuant to §4-182(c) and §19a-17(c) of the Connecticut General Statutes, it is hereby **ORDERED**, by vote of the Board of Examiners for Nursing:

1. That license number 036078 of **Denise Ambrose**, to practice as a licensed practical nurse in the State of Connecticut is hereby summarily suspended pending a final determination by the Board of Examiners for Nursing regarding the allegations contained in the Statement of Charges, and
2. That said license shall be ***immediately surrendered*** to the Department of Public Health, Public Health Hearing Office, 410 Capitol Avenue, MS#13PHO, P.O. Box 340308, Hartford, CT 06134-0308 upon notification of this Order, and
3. That a hearing in this matter is scheduled for the 15th day of January 2020, at 9:00 a.m., in room 2-A, at the Legislative Office Building, 300 Capitol Avenue, Hartford, Connecticut.

Dated at Hartford, Connecticut this 18th day of December, 2019.



Patricia C. Bouffard, D.N.Sc., RN, Chair
Connecticut Board of Examiners for Nursing

STATE OF CONNECTICUT
CONNECTICUT BOARD OF EXAMINERS FOR NURSING

Denise Ambrose
111 North Main Street
Southington, CT 06489

Service by State Marshal
First Class Mail
Via EMAIL (deniseonerato@yahoo.com)

RE: Denise Ambrose, LPN - Petition No. 2019-751

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at **9:00 AM** at the **Legislative Office Building, Conference Room 2-A, 300 Capitol Avenue, Hartford, Connecticut** on **January 15, 2020**. The scheduling of your case is subject to change. You are urged to call 860-509-7566 the day before the hearing to verify this schedule.

These Charges are being brought against you under the provisions of the Sections 19a-9, 19a-10 and 20-99(b) of the Connecticut General Statutes. The hearing will be conducted in accordance with Chapter 54 of the General Statutes of Connecticut and Section 19a-9-1, et seq., of the Regulations of Connecticut State Agencies (Public Health Code).

At the hearing you will have the opportunity to present your evidence, including witnesses and documents. It is your responsibility to bring the witnesses and documents you wish to present at the hearing.

Filing an Answer; Failure to File Answer:

You are required to file an answer to the attached Charges with the Department of Public Health **within 14 days from the date of this Notice of Hearing**. ***Please note: failure to file an Answer could result in the allegations being found to be true as stated, and the possibility that you will not be permitted to submit any evidence concerning the allegations.***

Representation by an Attorney:

At the aforementioned hearing you may be represented by an attorney and present evidence on your behalf. Although you may represent yourself (pro se), you are urged to obtain the services of an attorney.

Documents:

If you intend to introduce documents into evidence, **YOU MUST COMPLY WITH THE FOLLOWING REQUIREMENTS:**

All documents that you wish to present at the hearing must be paginated and must have certain information redacted. That means, that certain information, must be blacked out as follows:

- a. First, make a photocopy of the original document. **DO NOT MARK THE ORIGINAL IN ANY WAY.**
- b. Secondly, **if any of the following information appears on any page of the document, on the photocopy**, black out the following information using a black marker:
 - (1) Date of birth
 - (2) Mother's maiden name
 - (3) Motor vehicle operator's license number
 - (4) Social Security Number
 - (5) Other government-issued identification number
 - (6) Health insurance identification number
 - (7) Financial account number
 - (8) Security code or personal identification number (PIN)

- c. Next, paginate each document in the lower right hand corner of each page *of the redacted photocopy*.
- d. Finally, any documentation offered into evidence must be accompanied by (15) photocopies of the redacted and paginated copy to provide to the Board and the Department at the hearing.
- e. Please note: you must also bring the original to the hearing.

Failure to Appear:

If you fail to appear at the hearing, upon proof that due notice was served upon you to appear, the Board may proceed in the same manner as though you were present in person. **The Board may hold a fact-finding meeting immediately following the close of the record.**

Order Re: Filings

The Department and Respondent are hereby ordered when submitting any pleadings, documents, motions or other papers to the Board to file an original plus nine (9) copies with Jeffrey A. Kardys, agent of the Board and custodian of the record, at the following address:

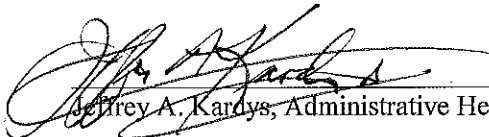
Department of Public Health
Public Health Hearing Office
410 Capitol Avenue, MS#13PHO
P. O. Box 340308
Hartford CT 06134-0308

All communications to the Board shall be submitted in this fashion. The Department or Respondent shall provide a copy of each document filed to Respondent or Department as the case may be and certify such to the Board.

Please call 860-509-7566 as soon as possible if you have any questions about the hearing schedule.

Dated at Hartford, Connecticut this 18th day of DECEMBER, 2019.

For the Connecticut Board of Examiners for Nursing


Jeffrey A. Kardys, Administrative Hearings Specialist

- c: Henry Salton, Assistant Attorney General
Christian Andresen, Section Chief, Practitioner Licensing and Investigations
Matthew Antonetti, Principal Attorney, Office of Legal Compliance
Brittany Allen, Staff Attorney, Office of Legal Compliance

The Department of Public Health is an equal opportunity provider and employer.

*If you require aid/accommodation to participate fully and fairly,
please contact the Public Health Hearing Office at 860-509-7566.*

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Renée D. Coleman-Mitchell, MPH
Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

January 13, 2020

Denise Ambrose
111 North Mai Street
Southington, CT 06489

First Class Mail
and **VIA EMAIL (deniseonerato@yahoo.com)**

Brittany Allen, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL ONLY

RE: Denise Ambrose, LPN - Petition No. 2019-751

RULING ON REQUEST FOR CONTINUANCE

Respondent emailed the Board office on January 10, 2020, requesting a postponement of the hearing scheduled for January 15, 2020. Without objection from the Department of Public Health respondent's request is granted.

The hearing has been rescheduled for **Wednesday, March 18, 2020, at 9:00 a.m.** at the Department of Public Health Complex, 470 Capitol Avenue, Hartford, Connecticut in conference room 470-A/B.

The Summary Suspension of respondent's licensed practical nurse license remains in effect.

FOR: BOARD OF EXAMINERS FOR NURSING

BY: 

Jeffrey A. Kardys, Administrative Hearings Specialist/Board Liaison
Department of Public Health
410 Capitol Avenue, MS #13PHO
PO Box 340308
Hartford, CT 06134-0308
Tel. (860) 509-7566 FAX (860) 707-1904

c: Matthew Antonetti, Principal Attorney, Office of Legal Office Compliance, DPH



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Affirmative Action/Equal Opportunity Employer



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH



Renée D. Coleman-Mitchell, MPH
Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

March 13, 2020

Denise Ambrose
111 North Main Street
Southington, CT 06489

First Class Mail
and **VIA EMAIL (deniseonerato@yahoo.com)**

Brittany Allen, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL ONLY

RE: Denise Ambrose, LPN - Petition No. 2019-751


REVISED NOTICE OF HEARING

The location for the hearing in the referenced matter scheduled for **Wednesday, March 18, 2020** has changed.

The hearing will held in at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in the **third floor Hearing Room**, beginning at 9:00 a.m.

FOR: BOARD OF EXAMINERS FOR NURSING

BY:



Jeffrey A. Kardys, Administrative Hearings Specialist/Board Liaison
Department of Public Health
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Hartford, CT 06134-0308
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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Renée D. Coleman-Mitchell, MPH
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Governor
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Lt. Governor

BOARD OF EXAMINERS FOR NURSING

March 16, 2020

Denise Ambrose
111 North Mai Street
Southington, CT 06489

VIA EMAIL (deniseonerato@yahoo.com)

Brittany Allen, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL ONLY

RE: Denise Ambrose, LPN - Petition No. 2019-751

RULING ON REQUEST FOR CONTINUANCE


Respondent emailed the Board office on March 16, 2020, requesting a postponement of the hearing scheduled for March 18, 2020. Without objection from the Department of Public Health respondent's request is granted.

Notification of a new hearing date will be sent when determined.

The Summary Suspension of respondent's licensed practical nurse license remains in effect.

FOR: BOARD OF EXAMINERS FOR NURSING

BY:



Jeffrey A. Kardys, Administrative Hearings Specialist/Board Liaison
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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

June 15, 2020

Denise Ambrose
111 North Main Street
Southington, CT 06489

VIA EMAIL ONLY (deniseonerato@yahoo.com)

Brittany Allen, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL ONLY

RE: Denise Ambrose, LPN - Petition No. 2019-751

NOTICE OF HEARING

The hearing in the above referenced matter, is rescheduled to July 15, 2020.

The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing.

In preparation for this hearing you must, no later than July 1, 2020, (1) notify this office if you plan on calling any witnesses; (2) any documents you will be submitting as evidence must be scanned and emailed to the undersigned at jeffrey.kardys@ct.gov.

FOR: BOARD OF EXAMINERS FOR NURSING

/s/ *Jeffrey A. Kardys*

Jeffrey A. Kardys, Administrative Hearings Specialist/Board Liaison
Department of Public Health
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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

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Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

July 14, 2020

Denise Ambrose
111 North Mai Street
Southington, CT 06489

VIA EMAIL (deniseonerato@yahoo.com)

Brittany Allen, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL ONLY

RE: Denise Ambrose, LPN - Petition No. 2019-751

RULING ON REQUEST FOR CONTINUANCE

Respondent emailed the Board office on July 10, 2020, requesting a postponement of the hearing scheduled for July 15, 2020. Without objection from the Department of Public Health, respondent's request is granted.

The hearing is rescheduled to **Wednesday, September 16, 2020, at 9:00 a.m.** The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing.

The Summary Suspension of respondent's licensed practical nurse license remains in effect.

FOR: BOARD OF EXAMINERS FOR NURSING

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist/Board Liaison
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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



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Acting Commissioner

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Lt. Governor

BOARD OF EXAMINERS FOR NURSING

September 11, 2020

Denise Ambrose
111 North Mani Street
Southington, CT 06489

VIA EMAIL (deniseonerato@yahoo.com)

Brittany Allen, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL ONLY

RE: Denise Ambrose, LPN - Petition No. 2019-751

RULING ON REQUEST FOR CONTINUANCE

In an email dated September 10, 2020, respondent requested a postponement of the hearing scheduled for September 16, 2020. Without objection from the Department of Public Health respondent's request is granted.

The hearing is rescheduled to **Wednesday, November 18, 2020, at 9:00 a.m.** The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing.

The Summary Suspension of respondent's licensed practical nurse license remains in effect.

FOR: BOARD OF EXAMINERS FOR NURSING

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist/Board Liaison
Department of Public Health
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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

November 16, 2020

Denise Ambrose
111 North Mai Street
Southington, CT 06489

VIA EMAIL (deniseonerato@yahoo.com)

Brittany Allen, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL ONLY

RE: Denise Ambrose, LPN - Petition No. 2019-751

RULING ON REQUEST FOR CONTINUANCE

In an email dated November 12, 2020, respondent requested a postponement of the hearing scheduled for November 18, 2020. Without objection from the Department of Public Health respondent's request is granted.

The hearing is rescheduled to **Wednesday, February 17, 2021, at 9:00 a.m.** The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing.

The Summary Suspension of respondent's licensed practical nurse license remains in effect.

No further continuances will be granted in this matter.

FOR: BOARD OF EXAMINERS FOR NURSING

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist/Board Liaison
Department of Public Health
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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Deidre S. Gifford, MD, MPH
Acting Commissioner



Ned Lamont
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BOARD OF EXAMINERS FOR NURSING

February 16, 2021

Denise Ambrose
111 North Mai Street
Southington, CT 06489

VIA EMAIL (deniseonerato@yahoo.com)

Brittany Allen, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL ONLY

RE: Denise Ambrose, LPN - Petition No. 2019-751

RULING ON REQUEST FOR CONTINUANCE

In an email dated February 16, 2021, respondent requested a postponement of the hearing scheduled for February 17, 2021 so that she can obtain legal counsel. Without objection from the Department of Public Health respondent's request is granted.

The hearing is rescheduled to **Wednesday, May 19, 2021, at 9:00 a.m.** The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing.

The Summary Suspension of respondent's licensed practical nurse license remains in effect.

FOR: BOARD OF EXAMINERS FOR NURSING

/s/ *Jeffrey A. Kardys*

Jeffrey A. Kardys, Administrative Hearings Specialist/Board Liaison
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**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Daniel O'Brien, R.N.

Petition No.: 2018-791

STATEMENT OF CHARGES

Pursuant to the General Statutes of Connecticut, §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Daniel O'Brien:

1. Daniel O'Brien of Portland, Connecticut, (hereinafter "respondent") is and has been at all relevant times referenced in this Statement of Charges, the holder of Connecticut registered nurse license number 125254.
2. Respondent has been diagnosed with alcohol abuse, severe, and generalized anxiety disorder.
3. Respondent plead guilty to Illegally Operating a Motor Vehicle Without an Ignition Device and was sentenced to 30 days in jail, for an offense which occurred on or about September 28, 2019.
4. Respondent entered into an Interim Consent Order with the Department on or about August 10, 2018.
5. Respondent's abuse of alcohol and/or emotional disorder does, and/or may, affect his ability to practice as a registered nurse.
6. 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)(4); and/or
 - b. §20-99(b)(5).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing, as authorized in §§19a-17 and 20-99(b), revoke or order other disciplinary action against the registered nurse license of Daniel O'Brien as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut, this 14th day of December, 2020.



Christian D. Andresen, M.P.H, C.P.H., Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

STATE OF CONNECTICUT
CONNECTICUT BOARD OF EXAMINERS FOR NURSING

Daniel O'Brien, RN
68 Copper Beech Lane
Portland, CT 06480

VIA EMAIL (karmicwind@yahoo.com)

RE: Daniel O'Brien, RN - Petition No. 2018-791

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at 9:00 AM on **April 21, 2021**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

These Charges are being brought against you under the provisions of the Sections 19a-9, 19a-10 and 20-99(b) of the Connecticut General Statutes. The hearing will be conducted in accordance with Chapter 54 of the General Statutes of Connecticut and Section 19a-9-1, et seq., of the Regulations of Connecticut State Agencies (Public Health Code).

At the hearing you will have the opportunity to present your evidence, including witnesses and documents. It will be your responsibility to provide the hearing connection link to any witnesses you may call.

Filing an Answer; Failure to File Answer:

You are required to file an answer to the attached Charges with the Department of Public Health within 14 days from the date of this Notice of Hearing. Please note: failure to file an Answer could result in the allegations being found to be true as stated, and the possibility that you will not be permitted to submit any evidence concerning the allegations.

Representation by an Attorney:

At the aforementioned hearing you may be represented by an attorney and present evidence on your behalf. Although you may represent yourself (pro se), you are urged to obtain the services of an attorney.

Documents:

If you intend to introduce documents into evidence, **YOU MUST COMPLY WITH THE FOLLOWING REQUIREMENTS:**

Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted.

The following information shall be redacted.

- (1) Date of birth
- (2) Mother's maiden name
- (3) Motor vehicle operator's license number
- (4) Social Security Number
- (5) Other government-issued identification number
- (6) Health insurance identification number
- (7) Financial account number
- (8) Security code or personal identification number (PIN)

Order Re: Filings

In preparation for this hearing you must, no later than April 7, 2021, provide the information specified in the attached Notice for Submissions.

All communications to the Board shall be submitted in this fashion. The Department or Respondent shall provide a copy of each document filed to Respondent or Department as the case may be and certify such to the Board.

Failure to Appear:

If you fail to appear at the hearing, upon proof that due notice was served upon you to appear, the Board may proceed in the same manner as though you were present in person. **The Board may hold a fact-finding meeting immediately following the close of the record.**

Please call 860-509-7566 as soon as possible if you have any questions about the hearing schedule.

Dated at Hartford, Connecticut this 12th day of February, 2021.

For the Connecticut Board of Examiners for Nursing

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist

c: Christian Andresen, Section Chief, Practitioner Licensing and Investigations
Diane Wilan, Staff Attorney, Office of Legal Compliance

The Department of Public Health is an equal opportunity provider and employer.

*If you require aid/accommodation to participate fully and fairly,
please contact the Public Health Hearing Office at 860-509-7566.*

Notice for Submissions

The hearing in the matter of **Daniel O'Brien, RN** has been scheduled for **April 21, 2021** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **April 7, 2021**, you must provide the following by electronic mail response to the hearing office at phho.dph@ct.gov

1. Electronically Pre-filed exhibits – Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted. *Parties and/or counsel should stipulate to any exhibits and facts not in dispute, and provide any objections to proposed exhibits.* All exhibits also must be sent to the opposing party or counsel.
2. Witness List – identify any persons expected to be called to testify. Be sure to notify your witnesses that they will be required to remain available and in attendance for the full duration of the hearing. (This will eliminate the difficulty of trying to reach witnesses again for rebuttal or additional examination later in the hearing). Witness lists also must be sent to the opposing party or counsel.
3. Photo Identification: a copy of a government-issued photo identification of the parties and witnesses.
4. Electronic Mail (“e-mail”) addresses for parties, counsel and witnesses. All e-mail addresses must be current and able to receive all notices relating to this matter.
5. Cellphone numbers for all parties, counsel, and witnesses at which they can be reached and respond to text message during the hearing (in the event a connection is lost).
6. A statement whether executive session may be required to receive testimony containing personal protected information, and if so, what that information may be (treatment records, patient records, therapy reports). Parties or counsel should identify any witnesses listed in response to #2 above who may provide testimony relating to personal protected information requiring executive session.
7. A statement whether an interpreter will be needed for the proceeding.

This is a formal public hearing. It will be video recorded and posted on the DPH website for public viewing. All hearing participants should appear in proper attire, in proper surroundings, and remove any potential distractions.

In preparation, please make sure all of your devices are fully functioning and properly charged. All participants are required to have video and audio functions on when testifying or speaking. Our office will contact you again 3 to 5 calendar days prior to the hearing to provide you with any further instructions and a Microsoft Teams link / phone number and code to enter the hearing.

Should you have any question please contact the hearing office at phho.dph@ct.gov.

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

April 14, 2021

Ellen M. Costello, Esquire
DelSole & DelSole, LLP
46 S. Whittlesey Ave
Wallingford, CT 06492

VIA EMAIL ONLY

Diane Wilan, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL ONLY

RE: Daniel O'Brien, R.N. - Petition No. 2018-791

RULING ON REQUEST FOR CONTINUANCE

In an email dated April 13, 2021, counsel for respondent requested a continuance of the hearing in the referenced matter scheduled for April 21, 2021. Without objection from the Department of Public Health, respondent's request is granted.

The hearing is rescheduled to **Wednesday, May 19, 2021, at 9:00 a.m.** The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing.

FOR: BOARD OF EXAMINERS FOR NURSING

BY: /s/ Jeffrey A. Kardys
Jeffrey A. Kardys, Administrative Hearings Specialist/Board Liaison
Department of Public Health
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BOARD 4

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

In Re: DPH V DANIEL O'BRIEN, R.N.
Petition No. 2018-791


WITHDRAWAL OF APPEARANCE

The undersigned hereby moves to withdraw her appearance of the Respondent, in the above captioned matter.

Ellen M. Costello
Del Sole & Del Sole, L.L.P.
46 South Whittlesey Avenue
Wallingford, CT 06492

THE RESPONDENT,
DANIEL O'BRIEN, R.N.

BY /s/


ELLEN M. COSTELLO
DEL SOLE & DEL SOLE, L.L.P.
46 SOUTH WHITTLESEY AVENUE
WALLINGFORD, CT 06492
TEL: 203-284-8000
FAX: 203-284-1539
JURIS NO. 101674

CERTIFICATION

I hereby certify that a copy of the foregoing has been mailed on this, the 22nd day of April, 2021:

VIA EMAIL Diane.Wilan@ct.gov

Diane Wilan, Staff Attorney
Office of Legal Compliance
Department of Public Health
410 Capitol Avenue, MS# 12 LEG
P.O. Box 340308
Hartford, CT 06134-0308

/s/ 
Ellen M. Costello

BOARD 5

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH

In re: Daniel O'Brien, RN

Petition No. 2018-791

INTERIM CONSENT ORDER

WHEREAS, Daniel O'Brien, of Guilford, Connecticut (hereinafter "respondent") has been issued license number 125254 to practice as a 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, the Department has received information regarding respondent's alleged abuse of alcohol and controlled substances; and

WHEREAS, it will be necessary to conduct further investigation, and the parties wish to provide for the protection of the public during the interim.

NOW THEREFORE, pursuant to §§19a-14 and 19a-17 of the General Statutes of Connecticut, the parties hereby stipulate to the following:

1. Respondent's license number 125254 to practice as a registered nurse shall be suspended until such time as this petition is resolved.
2. Respondent shall surrender his license numbers 125254 to the Department immediately upon approval of this Interim Consent Order by the Department.
3. Respondent shall execute releases for his treatment records, as requested by the Department.
4. This stipulation shall not deprive respondent of his right to a hearing on the merits of this case, nor shall it be construed as an admission of any fact or waiver of any right to which respondent may be entitled, other than as specifically provided for herein.

5. This Interim Consent Order shall become effective on the day it is approved and entered by the Department.
6. Respondent permits a representative of the Department to present this Interim Consent Order and the factual basis for this Interim Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether an executed Interim Consent Order is approved or accepted.
7. I understand and agree that this Interim Consent Order is a public document and shall be reported to the National Practitioner Data Bank and the Healthcare Integrity and Practitioner Data Bank maintained by the United States Department of Health and Human Services.
8. Respondent has had the opportunity to consult with an attorney prior to signing this document.
9. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.
10. This Interim Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this interim consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

*

*

I, Daniel O'Brien, have read the above Interim Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Interim Consent Order to be my free act and deed.

Daniel O'Brien
Daniel O'Brien

Subscribed and sworn to before me this 2nd day of August 2018.

Yolante Garwineski
~~Notary Public or person authorized
by law to administer an oath or
affirmation~~
My Commission Expires 3/31/2021

The above Interim Consent Order having been presented to the duly appointed agent of the
Commissioner of the Department of Public Health on the 10th day of August
____ 2018, it is hereby accepted and ordered.

Christian D. Andresen
Christian D. Andresen, Section Chief
Practitioner Licensing & Investigations
Healthcare Quality & Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

BOARD 1

In re: Pamela D. Franklin, R.N.

Petition No. 2020-1211

STATEMENT OF CHARGES

Pursuant to Connecticut General Statutes §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Pamela D. Franklin:

1. Pamela D. Franklin of New Britain, Connecticut (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut registered nurse license number 087089.
2. From approximately November 2020 to the present, respondent has and/or had one or more emotional disorders or mental illnesses that does, and/or may, affect her practice as a nurse.
3. In or about November 2020, respondent abused and/or utilized to excess alcohol.
4. Respondent's abuse of alcohol does, and/or may, affect her practice as a nurse.
5. The above facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-99(b), including but not limited to:
 - a. §20-99(b)(4); and/or
 - b. §20-99(b)(5).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing, as authorized by Connecticut General Statutes §§20-99(b) and 19a-17, revoke or order other disciplinary action against the license of Pamela D. Franklin as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 7th day of April, 2021.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations
Section Healthcare Quality and Safety
Branch

ssoc2

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Pamela D. Franklin, R.N.

Petition No. 2020-1211

MOTION FOR SUMMARY SUSPENSION

The Department of Public Health (hereinafter "the Department") hereby moves in accordance with the Connecticut General Statutes §§4-182(c) and 19a-17(c) that the Connecticut Board of Examiners for Nursing summarily suspend the license of Pamela D. Franklin to practice nursing in Connecticut. This motion is based on the attached Statement of Charges, Affidavits and on the Department's information and belief that the continued practice of Pamela D. Franklin represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 7th day of April, 2021.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Deidre S. Gifford, MD, MPH
Acting Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

In re: **Pamela Franklin, RN**

Petition Nos. 2020-1211

SUMMARY SUSPENSION ORDER


WHEREAS, the Department of Public Health having moved for an order of summary suspension in this matter and having submitted duly verified affidavits in support of its motion; and,

WHEREAS, said affidavits allege facts which show violations of §20-99(b) of the Connecticut General Statutes, and which imperatively require emergency action in that the public health, safety or welfare of the citizens of the State of Connecticut is in clear and immediate danger.

NOW, THEREFORE, pursuant to §4-182(c) and §19a-17(c) of the Connecticut General Statutes, it is hereby **ORDERED**, by vote of the Board of Examiners for Nursing:

1. That license number 087089 of Pamela Franklin to practice as a registered nurse in the State of Connecticut is hereby summarily suspended pending a final determination by the Board of Examiners for Nursing regarding the allegations contained in the Statement of Charges, and
2. That said license shall be *immediately surrendered* to the Department of Public Health, Public Health Hearing Office, 410 Capitol Avenue, MS#13PHO, P.O. Box 340308, Hartford, CT 06134-0308 upon notification of this Order, and
3. That a hearing in this matter is scheduled for the 19th day of May 2021, at 9:00 a.m. The hearing will be held by video conference.

Dated at Waterbury, Connecticut this 21st day of April, 2021.


Patricia C. Bouffard, D.N.Sc., RN, Chair
Connecticut Board of Examiners for Nursing



Phone: (860) 509-7566 • Fax: (860) 707-1904
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STATE OF CONNECTICUT
CONNECTICUT BOARD OF EXAMINERS FOR NURSING

Pamela Franklin , RN
67 Roberts Street, 3rd Floor
New Britain, CT 06051

VIA EMAIL (pamelaf06@yahoo.com)

RE: Pamela Franklin , RN - Petition No. 2020-1211

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at 9:00 AM on **May 19, 2021**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

These Charges are being brought against you under the provisions of the Sections 19a-9, 19a-10 and 20-99(b) of the Connecticut General Statutes. The hearing will be conducted in accordance with Chapter 54 of the General Statutes of Connecticut and Section 19a-9-1, et seq., of the Regulations of Connecticut State Agencies (Public Health Code).

At the hearing you will have the opportunity to present your evidence, including witnesses and documents. It will be your responsibility to provide the hearing connection link to any witnesses you may call.

Filing an Answer; Failure to File Answer:

You are required to file an answer to the attached Charges with the Department of Public Health within 14 days from the date of this Notice of Hearing. Please note: failure to file an Answer could result in the allegations being found to be true as stated, and the possibility that you will not be permitted to submit any evidence concerning the allegations.

Representation by an Attorney:

At the aforementioned hearing you may be represented by an attorney and present evidence on your behalf. Although you may represent yourself (pro se), you are urged to obtain the services of an attorney.

Documents:

If you intend to introduce documents into evidence, **YOU MUST COMPLY WITH THE FOLLOWING REQUIREMENTS:**

Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted.

The following information shall be redacted.

- (1) Date of birth
- (2) Mother's maiden name
- (3) Motor vehicle operator's license number
- (4) Social Security Number
- (5) Other government-issued identification number
- (6) Health insurance identification number
- (7) Financial account number
- (8) Security code or personal identification number (PIN)

Order Re: Filings

In preparation for this hearing you must, no later than May 5, 2021, provide the information specified in the attached Notice for Submissions.

All communications to the Board shall be submitted in this fashion. The Department or Respondent shall provide a copy of each document filed to Respondent or Department as the case may be and certify such to the Board.

Failure to Appear:

If you fail to appear at the hearing, upon proof that due notice was served upon you to appear, the Board may proceed in the same manner as though you were present in person. **The Board may hold a fact-finding meeting immediately following the close of the record.**

Please call 860-509-7566 as soon as possible if you have any questions about the hearing schedule.

Dated at Hartford, Connecticut this 23rd day of April, 2021.

For the Connecticut Board of Examiners for Nursing

/s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist

c: Christian Andresen, Section Chief, Practitioner Licensing and Investigations
Linda Fazzina, Staff Attorney, Office of Legal Compliance

The Department of Public Health is an equal opportunity provider and employer.

*If you require aid/accommodation to participate fully and fairly,
please contact the Public Health Hearing Office at 860-509-7566.*

Notice for Submissions

The hearing in the matter of **Pamela Franklin, RN** has been scheduled for **May 19, 2021** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **May 5, 2021**, you must provide the following by electronic mail response to the hearing office at phho.dph@ct.gov

1. Electronically Pre-filed exhibits – Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted. *Parties and/or counsel should stipulate to any exhibits and facts not in dispute, and provide any objections to proposed exhibits.* All exhibits also must be sent to the opposing party or counsel.
2. Witness List – identify any persons expected to be called to testify. Be sure to notify your witnesses that they will be required to remain available and in attendance for the full duration of the hearing. (This will eliminate the difficulty of trying to reach witnesses again for rebuttal or additional examination later in the hearing). Witness lists also must be sent to the opposing party or counsel.
3. Photo Identification: a copy of a government-issued photo identification of the parties and witnesses.
4. Electronic Mail (“e-mail”) addresses for parties, counsel and witnesses. All e-mail addresses must be current and able to receive all notices relating to this matter.
5. Cellphone numbers for all parties, counsel, and witnesses at which they can be reached and respond to text message during the hearing (in the event a connection is lost).
6. A statement whether executive session may be required to receive testimony containing personal protected information, and if so, what that information may be (treatment records, patient records, therapy reports). Parties or counsel should identify any witnesses listed in response to #2 above who may provide testimony relating to personal protected information requiring executive session.
7. A statement whether an interpreter will be needed for the proceeding.

This is a formal public hearing. It will be video recorded and posted on the DPH website for public viewing. All hearing participants should appear in proper attire, in proper surroundings, and remove any potential distractions.

In preparation, please make sure all of your devices are fully functioning and properly charged. All participants are required to have video and audio functions on when testifying or speaking. Our office will contact you again 3 to 5 calendar days prior to the hearing to provide you with any further instructions and a Microsoft Teams link / phone number and code to enter the hearing.

Should you have any question please contact the hearing office at phho.dph@ct.gov.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Amanda Claffey, RN

Petition No. 2021-284

STATEMENT OF CHARGES

Pursuant to Connecticut General Statutes §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Amanda Claffey:

1. Amanda Claffey of Newington, Connecticut (hereinafter "respondent") is the holder of Connecticut registered nursing license number 108284.
2. On October 16, 2019, the Connecticut Board of Examiners for Nursing ("the Board") issued a Consent Order in Petition No. 2019-102 ("Consent Order") based, in part, upon respondent's diversion of controlled substances from hospital stock and abuse of controlled substances. The Consent Order required respondent, in part, to (a) to submit to random urine screens all of which must be negative; and that (b) missed screens shall be deemed a positive screen.
3. On or about March 26, 2021 and/or April 7, 2021, respondent abused and/or utilized to excess morphine.
4. On or about March 26, 2021 and/or April 7, 2021, respondent's urine tested positive for morphine.
5. On or about March 31, 2021 respondent's urine tested positive for controlled substances when she failed to submit to a urine screen when contacted to do so by her screening monitor.
6. Respondent's abuse and/or excess use of morphine does, and/or may, affect her practice as a nurse.

7. Respondent's conduct as described above constitutes a violation of the Consent Order's probationary terms and constitutes grounds for disciplinary action pursuant to Connecticut Statutes §20-99 including but not limited to §20-99(b)(5).

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing, as authorized by Connecticut General Statutes §§20-99(b) and 19a-17, revoke or order other disciplinary action against respondent's nursing license as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 15th day of April, 2021.



Christian D. Andresen, MPH,CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Amanda Claffey, RN

Petition No. 2021-284

MOTION FOR SUMMARY SUSPENSION

The Department of Public Health (hereinafter "the Department") hereby moves in accordance with Connecticut General Statutes §§4-182(c) and 19a-17(c) that the Connecticut Board of Examiners for Nursing summarily suspend Amanda Claffey's Connecticut nursing license. This motion is based on the attached Statement of Charges, Affidavit and on the Department's information and belief that Amanda Claffey's continued nursing practice represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 15th day of April, 2021.



Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

BOARD 3

Deidre S. Gifford, MD, MPH
Acting Commissioner



Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

In re: Amanda Claffey, RN

Petition Nos. 2021-284

SUMMARY SUSPENSION ORDER


WHEREAS, the Department of Public Health having moved for an order of summary suspension in this matter and having submitted duly verified affidavits in support of its motion; and,

WHEREAS, said affidavits allege facts which show violations of §20-99(b) of the Connecticut General Statutes, and which imperatively require emergency action in that the public health, safety or welfare of the citizens of the State of Connecticut is in clear and immediate danger.

NOW, THEREFORE, pursuant to §4-182(c) and §19a-17(c) of the Connecticut General Statutes, it is hereby **ORDERED**, by vote of the Board of Examiners for Nursing:

1. That license number 108284 of Amanda Claffey to practice as a registered nurse in the State of Connecticut is hereby summarily suspended pending a final determination by the Board of Examiners for Nursing regarding the allegations contained in the Statement of Charges, and
2. That said license shall be ***immediately surrendered*** to the Department of Public Health, Public Health Hearing Office, 410 Capitol Avenue, MS#13PHO, P.O. Box 340308, Hartford, CT 06134-0308 upon notification of this Order, and
3. That a hearing in this matter is scheduled for the 19th day of May 2021, at 9:00 a.m. The hearing will be held by video conference.

Dated at Waterbury, Connecticut this 21st day of April, 2021.


Patricia C. Bouffard, D.N.Sc., RN, Chair
Connecticut Board of Examiners for Nursing



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STATE OF CONNECTICUT CONNECTICUT BOARD OF EXAMINERS FOR NURSING

Amanda Claffey ,RN
11 Horizon Hill Road
Newington, CT 06111

VIA EMAIL (amandaclaffey730@yahoo.com)

RE: Amanda Claffey, RN - Petition No. 2021-284

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at 9:00 AM on **May 19, 2021**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

These Charges are being brought against you under the provisions of the Sections 19a-9, 19a-10 and 20-99(b) of the Connecticut General Statutes. The hearing will be conducted in accordance with Chapter 54 of the General Statutes of Connecticut and Section 19a-9-1, et seq., of the Regulations of Connecticut State Agencies (Public Health Code).

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Representation by an Attorney:

At the aforementioned hearing you may be represented by an attorney and present evidence on your behalf. Although you may represent yourself (pro se), you are urged to obtain the services of an attorney.

Documents:

If you intend to introduce documents into evidence, **YOU MUST COMPLY WITH THE FOLLOWING REQUIREMENTS:**

Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted.

The following information shall be redacted.

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Order Re: Filings

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Please call 860-509-7566 as soon as possible if you have any questions about the hearing schedule.

Dated at Hartford, Connecticut this 23rd day of April, 2021.

For the Connecticut Board of Examiners for Nursing

/s/ Jeffrey A. Kardys
Jeffrey A. Kardys, Administrative Hearings Specialist

c: Christian Andresen, Section Chief, Practitioner Licensing and Investigations
Joelle Newton, Staff Attorney, Office of Legal Compliance

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*If you require aid/accommodation to participate fully and fairly,
please contact the Public Health Hearing Office at 860-509-7566.*

Notice for Submissions

The hearing in the matter of **Amanda Claffey, RN** has been scheduled for **May 19, 2021** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **March 6, 2021**, you must provide the following by electronic mail response to the hearing office at phho.dph@ct.gov

1. Electronically Pre-filed exhibits – Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted. *Parties and/or counsel should stipulate to any exhibits and facts not in dispute, and provide any objections to proposed exhibits.* All exhibits also must be sent to the opposing party or counsel.
2. Witness List – identify any persons expected to be called to testify. Be sure to notify your witnesses that they will be required to remain available and in attendance for the full duration of the hearing. (This will eliminate the difficulty of trying to reach witnesses again for rebuttal or additional examination later in the hearing). Witness lists also must be sent to the opposing party or counsel.
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