

AGENDA
BOARD OF EXAMINERS FOR NURSING
Department of Public Health
410 Capitol Avenue, Hartford, CT
July 20, 2022 - 8:30 AM

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

MINUTES

January 5, 2022 and January 19, 2022

CONNECTICUT LEAGUE FOR NURSING – Bi-Monthly Update

OLD BUSINESS

- *Goodwin University – Corrective Action Plans*
 - *Associate Degree Program*
 - *Accelerated Bachelor of Nursing Program*

NEW BUSINESS

- *Memorandum of Decision Template*

MEMORANDUM OF DECISION

- *Corey Richmond, RN* *Petition No. 2021-48*
- *Colleen Gallagher* *Petition No. 2021-630*

MOTION FOR SUMMARY SUSPENSION

- *Kimberly Lemire RN* *Petition No. 2022-561* *Staff Attorney Craig Sullivan*

MOTION TO WITHDRAW STATEMENT OF CHARGES

- *Stacey Thompson, LPN* *Petition No. 2021-714* *Staff Attorney Aden Baum*

PREHEARING REVIEW

- *Mary-Elizabeth Taylor, RN* *Petition No. 2018-1355* *Staff Attorney Joelle Newton*

CONSENT ORDERS

- *Bridget Nicholson RN* *Petition No. 2020-248* *Staff Attorney Joelle Newton*
- *Richard Alan Smith, RN* *Petition No. 2020-339* *Staff Attorney Joelle Newton*

HEARINGS

- *Sarah Croteau, LPN* *Petition No. 2021-1222* *Staff Attorney Aden Baume*
- *Maureen Hurley, RN* *Petition No. 2020-391* *Staff Attorney Linda Fazzina*
- *Christine Trombino* *Petition No. 2021-1222* *Staff Attorney Aden Baume*

Board of Examiners for Nursing - Meeting/Hearings via Microsoft Teams

Join on your computer or mobile app

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

Or call in (audio only)

[**+1 860-840-2075**](#) - Phone Conference ID: 244 611 028#

The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.

The **Board of Examiners for Nursing** held a meeting on January 5, 2022 via Microsoft TEAMS.

BOARD MEMBERS PRESENT: Patricia C. Bouffard, RN, D.N.Sc. - (RN Member, Chair)
Cynthia L. Arpin, RN, MSN – (RN Member)
Mary E. Dietmann, EdD, APRN, ACNS-BC, CNE - (RN Member)
Jennifer C. Long, APRN, MSN, NNP-BC - (APRN Member)
Geraldine Marrocco, Ed.D., APRN, ANP-BC, FAANP - (RN Member)

BOARD MEMBERS ABSENT: Jason Blando - (Public Member)
Lisa S. Freeman, BA - (Public Member)
Rebecca Martinez, LPN – (LPN Member)
Gina Reiners, PhD, APRN, PMHNP, PMHCNS - (RN Member)

ALSO PRESENT: Stacy Schulman, Legal Counsel to the Board, DPH
Dana Dalton, RN, Supervising Nurse Consultant, DPH
Helen Smith, RN, Nurse Consultant, DPH
Linda Fazzina, Staff Attorney, DPH
Joelle Newton, Staff Attorney, DPH
Diane Wilan, Staff Attorney, DPH

The meeting commenced at 8:30 a.m. All participants were present via Microsoft TEAMS.

CHAIR UPDATES

Chair Bouffard and Geraldine Marrocco gave an update on the workgroup discussions pertaining to the nurse and advanced practice nurse licensure compacts.

Chair Bouffard reported that a workgroup is meeting to review and update the nurse education regulations.

APPROVAL OF AGENDA

Cynthia Arpin made a motion, seconded by Jennifer Long to add discussion of the 2022 meeting calendar to the agenda. The motion passed unanimously.

Cynthia Arpin made a motion, seconded by Jennifer Long, to approve the agenda as revised. The motion passed unanimously.

OPEN FORUM

Nothing to report.

NATIONAL COUNCIL STATE BOARDS OF NURSING

Chair Bouffard reported that the midyear meeting will be held on March 15-17, 2022 in St. Louis.

2022 MEETING CALENDAR

For March 2022 there will be only one meeting which will be held on Wednesday, March 2, 2022. Continuation of having two meetings a month will be reevaluated in April.

CONNECTICUT LEAGUE FOR NURSING – Monthly Update

Marcia Proto provided an update from the Connecticut League for Nursing and the Connecticut Center for Nursing Workforce. Audrey Beauvais provided an update from the Deans and Directors.

SCHOOL ISSUES

- Sacred Heart University

Elizabeth Denny was present from Sacred Heart University.

Geraldine Marrocco made a motion, seconded by Cynthia Arpin, to grant a 6-month temporary waiver for Haley Naccarato, BSN, RN CCRN as a clinical instructor for NU 340: Introduction to Adult Nursing. The motion passed with all in favor except Mary Dietmann who abstained from voting.

SCOPE OF PRACTICE

Helen Smith, Nurse Consultant, DPH provided a summary of 43 nursing scope of practice inquiries received by the Department of Public Health during November 2021.

MOTION FOR SUMMARY SUSPENSION

Nicholas M. Lewonczyk, L.P.N Petition No. 2021-506

Staff Attorney Craig Sullivan presented the Board with a Motion for Summary Suspension for Nicholas Lewonczyk. Respondent was not present and was not represented.

Jennifer Long moved to grant the Department's Motion for Summary Suspension in that respondent's continued practice as a nurse is a clear and immediate danger to public health, safety and welfare. The motion was seconded by Geraldine Marrocco and passed unanimously. A hearing will be scheduled for January 19, 2022.

Sheryl Lacoursiere, RN, APRN Petition Nos. 2021-1072; 2021-1199

Staff Attorney Joelle Newton presented the Board with a Motion for Summary Suspension for Sheryl Lacoursiere. Respondent was present with Attorney Ellen Costello.

Cynthia Arpin moved to grant the Department's Motion for Summary Suspension in that respondent's continued practice as a nurse is a clear and immediate danger to public health, safety, and welfare. The motion was seconded by Geraldine Marrocco and passed unanimously. A hearing will be scheduled for January 19, 2022.

ADJOURNMENT

Upon a motion by Geraldine Marrocco, seconded by Cynthia Arpin the meeting adjourned at 9:32 a.m.

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

The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.

The **Board of Examiners for Nursing** held a meeting on January 19, 2022 via Microsoft TEAMS.

BOARD MEMBERS PRESENT: Patricia C. Bouffard, RN, D.N.Sc. - (RN Member, Chair)
Cynthia L. Arpin, RN, MSN – (RN Member)
Jason Blando - (Public Member)
Mary E. Dietmann, EdD, APRN, ACNS-BC, CNE - (RN Member)
Lisa S. Freeman, BA - (Public Member)
Geraldine Marrocco, Ed.D., APRN, ANP-BC, FAANP - (RN Member)
Rebecca Martinez, LPN – (LPN Member)
Gina Reiners, PhD, APRN, PMHNP, PMHCNS - (RN Member)

BOARD MEMBERS ABSENT: Jennifer C. Long, APRN, MSN, NNP-BC - (APRN Member)

ALSO PRESENT: Stacy Schulman, Legal Counsel to the Board, DPH
Dana Dalton, RN, Supervising Nurse Consultant, DPH
Helen Smith, RN, Nurse Consultant, DPH
Aden Baume, Staff Attorney, DPH
Linda Fazzina, Staff Attorney, DPH
Joelle Newton, Staff Attorney, DPH
Craig Sullivan, Staff Attorney, DPH
Diane Wilan, Staff Attorney, DPH

The meeting commenced at 8:30 a.m. All participants were present via Microsoft TEAMS.

CHAIR UPDATES

Chair Bouffard reported that Board member comments regarding the Nurse Education Regulations have been provided to the Department of Public Health.

APPROVAL OF AGENDA

Rebecca Martinez made a motion, seconded by Mary Dietmann, to add the presentation of a Motion to Amend Statement of Charges in the-matter of Sheryl Lacoursiere, RN, APRN to the agenda. The motion passed unanimously.

Cynthia Arpin made a motion, seconded by Geraldine Marrocco, to approve the agenda as revised. The motion passed unanimously.

Lisa Freeman joined the meeting at 8:39 a.m.

OPEN FORUM

The Board discussed the regulation review process.

Gina Reiners joined the meeting at 8:43 a.m.

NATIONAL COUNCIL STATE BOARDS OF NURSING

Mary Dietmann reported on the January 11, 2022 NCSBN education council teleconference during which pre-colligate education models were discussed.

CONTINUING EDUCATION

There was discussion regarding Public Act 21-46 which includes language pertaining to continuing education requirements for registered nurse and licensed practical nurses who are actively practicing. Board members expressed their displeasure that the Board was not made aware of this legislation before it was passed. Discussion regarding this issue at a future Board meeting is anticipated

CONNECTICUT LEAGUE FOR NURSING – Monthly Update

Marcia Proto provided an update from the Connecticut League for Nursing and the Connecticut Center for Nursing Workforce. Audrey Beauvais provided an update from the Deans and Directors.

MEMORANDA OF DECISION

Denise Ambrose, LPN - Petition No. 2019-751

Gina Reiners made a motion, seconded by Cynthia Arpin, to affirm the Memorandum of Decision in the matter of Denise Ambrose, LPN which imposes license revocation. The motion passed unanimously.

Davis Martin, LPN - Petition No. 2021-242

Gina Reiners made a motion, seconded by Mary Dietmann, to affirm the Memorandum of Decision in the matter of David Martin, LPN which imposes license revocation. The motion passed unanimously.

Mercedes Miranda, LPN - Petition No. 2020-706

Rebecca Martinez made a motion, seconded by Mary Dietmann, to affirm the Memorandum of Decision in the matter of Mercedes Miranda, LPN which imposes license revocation. The motion passed unanimously.

Christopher Morahan, RN - Petition No. 2020-1009

Mary Dietmann made a motion, seconded by Geraldine Marrocco, to affirm the Memorandum of Decision in the matter of David Martin, LPN which imposes license revocation. The motion passed unanimously.

CONSENT ORDERS

Gustavo Mastarreno, RN - Petition No. 2020-783

Staff Attorney Joelle Newton presented a Consent Order in the matter of Gustavo Mastarreno, RN.

Respondent was present with Attorney Mary Alice Moore Leonhardt.

Geraldine Marrocco made a motion, seconded by Mary Dietmann, to approve the Consent Order which imposes probation for a period of four years. The motion passed unanimously.

MOTION TO AMEND STATEMENT OF CHARGES

Sheryl Lacoursiere, RN, APRN Petition Nos. 2021-1072; 2021-1199

Staff Attorney Joelle Newton presented the Board with a Motion to Amend Statement of Charges in the matter of Sheryl Lacoursiere. Respondent's license was summarily suspended on January 5, 2022.

Respondent counsel was unable to connect to the meeting.

Geraldine Marrocco made a motion, seconded by Mary Dietmann, to table this matter until the February 2, 2022 meeting. The motion to table passed unanimously

HEARINGS

Michael Presnick, RN - Petition No. 2017-1071

This is a continuation of a hearing which commenced on December 15, 2021. Staff Attorney Diane Wilan was present for the Department of Public Health. Respondent was present with Attorney William Paetzold.

The Board entered executive session from 9:58 a.m. to 12:58 p.m. to accept testimony regarding confidential health information. No motions were made and no votes were taken during executive session.

The Board reentered executive session from 1:08 p.m. to 2:30 p.m. to accept testimony regarding confidential health information. No motions were made-and no votes were taken during executive session.

Geraldine Marrocco left the meeting at 2:30 p.m.

Following the close of the hearing the Board conducted fact-finding. Lisa Freeman made a motion, seconded by Gina Reiners, that that respondent be found on all charges. The motion passed unanimously.

Lisa Freeman made a motion, seconded by Rebecca Martinez, that respondent's registered nurse license be revoked. The motion passed unanimously.

Break 2:42 p.m. to 3:00 p.m.

Sara Croteau, L.P.N. Petition No. 2021-739

Staff Attorney Aden Baume was present for the Department of Public Health. Respondent was not present. Respondent emailed the Board office the evening before this hearing indicating she was unable to attend the hearing due to illness.

Gina Reiners made a motion, seconded by Rebecca Martinez, to continue this hearing to May 18, 2022. The motion passed unanimously.

Nicholas M. Lewonczyk, L.P.N., Petition No. 2021-506

Staff Attorney Craig Sullivan was present for the Department of Public Health. Respondent was not present and was not represented.

Lisa Freeman made a motion, seconded by Mary Dietmann, to grant the Department of Public Health's oral request to deem allegations admitted. The motion passed unanimously.

Following the close of the hearing the Board conducted fact-finding. Gina Reiners made a motion, seconded by Mary Dietmann, that respondent be found on all charges. The motion passed unanimously.

Gina Reiners made a motion, seconded by Mary Dietmann, that respondent's licensed practical nurse license be revoked. The motion passed unanimously.

Colleen Gallagher, LPN Petition No. 2021-630

This is a continuation of a hearing which commenced on September 15, 2021. Staff Attorney Linda Fazzina was present for the Department of Public Health. Respondent was not present and was not represented.

Following the close of the hearing the Board conducted fact-finding. Mary Dietmann made a motion, seconded by Gina Reiners, that respondent be found on all charges. The motion passed unanimously.

Mary Dietmann made a motion, seconded by Gian Reiners, that respondent's licensed practical nurse license be revoked. The motion passed unanimously.

Sara Scobie, L.P.N., Petition No. 2020-1086

Staff Attorney Aden Baume was present for the Department of Public Health. Respondent was not present and was not represented.

Gina Reiners made a motion, seconded by Rebecca Martinez, to grant the Department of Public Health's oral request to deem allegations admitted. The motion passed unanimously.

Following the close of the hearing the Board conducted fact-finding. Gina Reiners made a motion, seconded by Rebecca Martinez, that respondent be found on all charges. The motion passed unanimously.

Gina Reiners made a motion, seconded by Mary Dietmann, that respondent's licensed practical nurse license be revoked. The motion passed unanimously.

ADJOURNMENT

Upon a motion by Gina Reiners, seconded by Cynthia Arpin the meeting adjourned at 4:00 p.m.

Save in above folder as *last name YEAR draft.doc*

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

[Respondent]
[License No.]

Petition No. [_____]

MEMORANDUM OF DECISION

Procedural Background

On _____, the Department of Public Health ("Department") filed **[a Motion for Summary Suspension ("Motion") and]** a Statement of Charges ("Charges") with the Board of Examiners for Nursing ("Board"). Board Exhibit ("Bd. Ex.") __. The Charges allege violations of Chapter 378 of the Connecticut General Statutes ("Conn. Gen. Stat.") by ____ ("Respondent") which would subject Respondent's **[registered/licensed practical/advanced practice registered]** nurse license to disciplinary action pursuant to Conn. Gen. Stat. §§ 19a-17 and 20-99(b).

[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 and ordered, on _____, pursuant to Conn. Gen. Stat. §§ 4-182(c) and 19a-17(c), that Respondent's [registered/licensed practical/advanced practice registered] nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Charges ("Summary Suspension Order"). Bd. Ex. __.]

On _____, the Charges**[, the Summary Suspension Order,]** and a Notice of Hearing were sent to Respondent by certified and first-class mail. Bd. Ex. __. **[On _____, Respondent filed a written Answer to the allegations.] [After __ continuance[s], T/t]he hearing was held on _____[.]; Respondent orally answered the Charges on the record of the hearing.]** At the hearing, Respondent **[was represented by Attorney _____/was self-represented]**; the Department was represented by Attorney _____. Following the close of the record on _____, the Board conducted fact finding. **[Following the conclusion of the hearing, the Board ordered that the Summary Suspension of Respondent's**

registered/licensed practical nurse/advanced practice registered] nurse license, ordered on _____, be vacated.]

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence. *Pet v. Department of Health Services*, 228 Conn. 651 (1994).

Use this footnote if license is expired/lapsed and charges filed within 18 months of license expiration¹

Allegations

1. In paragraph [one] of the Charges, the Department alleges that
2. In paragraph [two] of the Charges, the Department alleges that
3. In paragraph [three] of the Charges, the Department alleges that
4. In paragraph [four] of the Charges, the Department alleges that
5. In paragraph [five] of the Charges, the Department alleges that
6. In paragraph [six] of the Charges, the Department alleges that

Findings of Fact

1. [Respondent of Hartford, Connecticut is, and has been at all times, as referenced in the Charges, the holder of Connecticut L.P.N. license number _____.]
- 2.
- 3.
- 4.

¹ The Board's jurisdiction to adjudicate this case is established by Conn. Gen. Stat. § 19a-14a which provides that for the purposes of an investigation or imposition of disciplinary action, an expired license is considered valid if the investigation or the disciplinary action is commenced within 18 months of the person's having held a valid license. In the instant case, Respondent's license expired on _____. The Department began its investigation of Respondent's alleged misconduct in, _____ and the Charges were filed in _____. Thus, both actions occurred within 18 months of the date Respondent's license expired.

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/failed to sustain its burden of proof with regard to the allegations contained in paragraphs ___ of the Charges [and failed to sustain its burden with regard to the allegations contained in paragraphs __ of the Charges].]**

Conn. Gen. Stat. § 20-99 provides, in pertinent part, that: **[delete numbered sections in subsection (b) that do not apply]**

(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: (1) Fraud or material deception in procuring or attempting to procure a license to practice nursing; (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (3) physical illness or loss of motor skill, including but not limited to deterioration through the aging process; (4) emotional disorder or mental illness; (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; (6) fraud or material deception in the course of professional services or activities; (7) willful falsification of entries in any hospital, patient or other record pertaining to drugs, the results of which are detrimental to the health of a patient; and (8) conviction of the violation of any of the provisions of this chapter by any court of criminal jurisdiction.

The Department **[sustained/failed to sustain]** its burden of proof concerning the allegation in paragraph ___ of the Charges, that Respondent _____

The Department **[sustained/failed to sustain]** its burden of proof concerning the allegation in paragraph ___ of the Charges, that Respondent _____

[The Board concludes that Respondent’s conduct as alleged in paragraphs -, ,- and _ of the Charges is proven/not proven by a preponderance of the evidence presented/Respondent admits the allegations contained in the Charges], and said conduct constitutes grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99(b)(_), () and () and 19a-17. [The Board finds that Respondent can practice nursing with reasonable skill and

Optional last paragraph of the Discussion section to be included before the text of the Order begins

[The conduct admitted in conjunction with the Department’s sustaining its burden of proof, renders Respondent’s license subject to sanctions, among others, revocation, suspension or probation. See Conn. Gen. Stat. §§ 19a-17(a)(1), (2), and (5). Based on the totality of the evidence, and Respondent’s credible testimony, ... 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-17a)(1), (2) and (5) and [20-99(b)(2)], the Board finds that the conduct alleged and proven warrants the disciplinary action imposed by this Order, as set for the below: **[only include the paragraphs that apply, delete others, and renumber the paragraphs]**

1. Respondent shall pay a civil penalty of _____ dollars (\$___) by certified or cashier’s check payable to “Treasurer, State of Connecticut.” **[The civil penalty is payable in two installments of \$__ each. The first installment is due on or before ___; the second installment is due on or before ____.]** The check shall reference the Petition Number on the face of the check and shall be payable within 30 days of the effective date of this Memorandum of Decision (“Decision”).
2. Respondent’s license number ___ to practice as a **[registered/licensed practical]** nurse in the State of Connecticut is hereby **[reprimanded/revoked/censored]**.
3. Respondent’s license shall be suspended for a period of ___ **[with said suspension immediately stayed/stayed after a period of ____].** *[If actual suspension is three months or longer: All three originals of Respondent’s license shall be provided to the Department within ten days of the effective date of this Order.]*
4. **[Concurrently/Following said suspension,]** **[R]**respondent’s license shall be placed on probation for a period of ___ under the following terms and conditions. If any of the conditions of probation are not met, Respondent’s **[registered/licensed practical/advanced practice registered]** nurse license may be subject to disciplinary

action pursuant to Conn. Gen. Stat. § 19a-17. **[Select the requested terms, delete others, change letters, and check content for cited letters that have changed]**

- 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 for the period of probation.
- 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 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/his]** immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of month following employment as a nurse. Employer reports shall be submitted **[monthly]** during the **[first and fourth years]** of probation, and **[quarterly]** during the **[second and third years]** of probation.
- 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/his]** 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 Memorandum of 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/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 period of probation.
- J. Respondent shall provide a copy of this Decision to [her/his] therapist. The Department shall be notified in writing by [her/his] 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/his] therapist during the entire probationary period. Therapist reports shall be submitted [monthly] during [the first and fourth years] of probation, and [quarterly] during [the second and third years] of probation.
- 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/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, [her/his] therapist, the Department and [her/his] prescribing practitioner of any drug(s) [she/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) are no longer prescribed. The reports shall include the following:

- a. A list of controlled substances prescribed by this provider for Respondent;
- 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 ___ such random alcohol/drug screen ___ during the ___ and ___ years of the probationary period; and at least ___ such random alcohol/drug screens ___ during the ___ and ___ years of the probationary period.

(4) Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. 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 has been followed.

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

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

Screens for additional substances, such as Fentanyl, may also be required, if requested by the Department.

- (6) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Department, at the address cited in Paragraph [Q] 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/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.
- 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 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:

Practitioner Monitoring and Compliance Unit
Department of Public Health
Healthcare Quality and Safety Branch
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford CT 06134-0308

5. 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/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 on file with the Department, which is deemed to be the most current address that Respondent has reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.

6. 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 the Bureau Chief of the applicable unit in the Chief State's Attorney's Office.

This Order becomes effective [, and the _____ year probation of [registered/licensed practical/advanced practice registered] nurse license no. _____ shall commence] on [the date of signature].

The Board [of Examiners for Nursing] hereby informs Respondent, (name) , and the Department of this decision.

Dated at [Hartford], Connecticut this _____ day of _____, [2022].

BOARD OF EXAMINERS FOR NURSING

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

OTHER PROBATIONARY CONDITIONS THAT MAY BE REQUIRED

- _. Respondent shall successfully complete a course in [**professional ethics**], [**professional boundaries**] pre-approved by the Department. Within 30 days of completion of the course, Respondent shall provide proof to the satisfaction of the Department of [**her/his**] successful completion of the course.
- _. During the first year of the probationary period, Respondent, at [**her/his**] expense, shall successfully complete a course in medication administration and documentation pre-approved by the Department. Respondent shall provide proof to the satisfaction of the Board of [**her/his**] successful completion of the course within 30 days of completion.
- _. Within the first three months of the probationary period, Respondent shall undergo a psychiatric evaluation conducted by a licensed psychiatrist approved by the Department. Respondent shall assume all expenses associated with the evaluation. A written report of the evaluation shall be submitted directly to the Department from the evaluator within 15 days of completion.
- _. During the first three months of the probationary period, Respondent shall complete 40 hours of one-on-one supervised medication administration. Certification of successful completion of the supervised medication administration shall be submitted to the Department at the address cited in Paragraph [**Q**] below.

TOLLING LANGUAGE, IF REQUESTED, GENERALLY FOR NON-SUBSTANCE CASES

- __. In the event Respondent is not employed as a nurse for periods of 30 consecutive days or longer, [**she/he**] 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, Respondent shall not be responsible for complying with the terms of probation of this Order. In the event Respondent resumes the practice of nursing, [**she/he**] shall provide the Department with 15 days prior written notice.

SAMPLE LANGUAGE TO USE FOR MORE THAN ONE COUNT (SEVERABILITY)

Based upon the record in this case, the above findings of fact, and conclusions of law, and pursuant to the statutory authority under Conn. Gen. Stat. §§ 19a-17(a)(1), (2) and (5) and 20-99(a) and (b), the Board finds that the conduct [in each petition] is severable and each proven count [alleged and proven] warrants the disciplinary action imposed by this Order.

SAMPLE LANGUAGE TO USE TO STATE WHY AND/OR HOW A RESPONDENT'S SUBSTANCE ABUSE MAY AFFECT HER/HIS ABILITY TO PRACTICE

The use and/or abuse of [**alcohol, drugs, morphine, controlled substances, cocaine, etc.**] by a [**A.P.R.N., R.N., L.P.N.**], while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding inpatient care, thereby placing the patient in potential danger.

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

Corey Richmond, RN
License No. 086560

Petition No. 2021-048

MEMORANDUM OF DECISION

Procedural Background

On September 10, 2021, the Department of Public Health ("Department") filed a Statement of Charges with the Board of Examiners for Nursing ("Board") against Corey Richmond ("Respondent"). Board ("Bd.") Exhibit ("Ex.") 1. The Statement of Charges allege violations of Chapter 378 of the Connecticut General Statutes ("Conn. Gen. Stat.") by Respondent which would subject Respondent's registered nurse ("RN") license to disciplinary action pursuant to Conn. Gen. Stat. §§ 19a-17 and 20-99(b).

On October 4, 2021, the Statement of Charges and a Notice of Hearing ("Notice") were sent to Respondent. Bd. Ex. 1, 2.

On October 27, 2021, the Department filed a Motion to Amend the Statement of Charges ("Motion") and Amended Statement of Charges ("Charges"). Bd. Ex. 6, 7. Respondent objected to the Motion. Transcript ("Tr."), p. 9. The Board granted the Department's Motion. Tr., pp. 9, 10.

On February 23, 2022, Respondent filed an Answer to the original Statement of Charges. Bd. Ex. 5

On March 2, 2022, the hearing was convened. Attorney Joelle Newton represented the Department. Attorney Ellen Costello represented Respondent.

During the hearing, Respondent provided an oral Answer to the Charges. Tr., pp. 12-14. Both parties were afforded the opportunity to present witnesses and evidence, examine and cross-examine witnesses, and provide argument on all issues.

Each member of the Board involved in this decision attests that he/she was present at the hearing, or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence. *Pet v. Department of Health Services*, 228 Conn. 651 (1994). To the extent the findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *SAS Inst., Inc., v. S & H Computer Systems, Inc.*, 605 F. Supp. 816 (Md. Tenn. 1985).

Allegations

1. In paragraph 1 of the Charges, the Department alleges that Respondent, of New Haven, Connecticut, holds Connecticut registered nurse license number 086560.
2. In paragraph 2 of the Charges, the Department alleges that from approximately 2010 to 2020, Respondent abused and/or utilized cocaine, oxycodone, marijuana and/or heroin to excess.
3. In paragraph 3 of the Charges, the Department alleges that from approximately 2008 through to the present, Respondent has or had emotional disorders and/or mental illnesses.
4. In paragraph 4 of the Charges, the Department alleges that on or about September 20, 2021, Respondent abused and/or utilized alcohol to excess.
5. In paragraph 5 of the Charges, the Department alleges that Respondent's emotional disorders, mental illnesses, and/or abuse or excessive use of cocaine, oxycodone, heroin, alcohol, and/or marijuana does, and/or may, affect his practice in nursing.
6. In paragraph 6 of the Charges, the Department alleges that the above-described facts constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. § 20-99, including, but not limited to, §§ 20-99(b)(4) and 20-99(b)(5).

Findings of Fact

1. Respondent, of New Haven, Connecticut, is the holder of Connecticut RN license number 086560. Bd. Ex. 5.
2. From approximately 2010 to 2020, Respondent abused and/or utilized cocaine, oxycodone, marijuana, and heroin to excess. Bd. Ex. 5; Department ("Dept.") Ex. 1 (sealed), Dept. Ex. 2 (sealed); Respondent ("Resp.") Ex. A (sealed), Resp. Ex. B (sealed), Resp. Ex. C (sealed), Resp. Ex. D (sealed).
3. From approximately 2008 to the present, Respondent has or had emotional disorders and/or mental illnesses. Dept. Ex. 1 (sealed); Resp. Ex. A (sealed)
4. On or about September 20, 2021, Respondent abused and/or utilized alcohol to excess. Dept. Exs. 1, 2 (sealed).
5. Respondent's emotional disorders, mental illnesses, and/or abuse or excessive use of cocaine, oxycodone, heroin, alcohol, and/or marijuana does, and/or may, affect his practice in nursing. Dept. Ex. 1 (sealed), Dept. Ex. 2 (sealed); Resp. Ex. A (sealed), Resp. Ex. B (sealed), Resp. Ex. C (sealed), Resp. Ex. D (sealed)

6. On or about February 20, 2020, Respondent self-referred to, and signed a plan for entry into, an intervention program that commenced May 26, 2020 to assist with his substance abuse issues. Dept. Ex. 2.
7. On or about July 2021, Respondent withdrew from the intervention program and sought to work directly with the Department. Tr., p. 73 (sealed); Dept. Ex. 1, p. 3 (sealed).

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 the allegations contained in paragraphs 1 through 5 4 of 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: ... (4) emotional disorder or mental illness; (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; ...

With respect to the allegation contained in paragraph 1 of the Charges, Respondent admitted he is a resident of New Haven, Connecticut and holds RN license number 086560. Therefore, with respect to paragraph 1 of the Charges, the Department satisfied its burden of proof.

With respect to the allegation contained in paragraph 2 of the Charges, Respondent admitted that he abused and/or utilized oxycodone and heroin, but denied that he abused and/or utilized cocaine and marijuana. Bd. Ex. 5 However, contrary to Respondent's denial of the use and/or abuse of cocaine and marijuana, the Department as well as the Respondent submitted treatment records and drug screen reports indicating that Respondent received treatment for, or had tested positive for, oxycodone, heroin, cocaine, and marijuana. Dept. Ex. 1 (sealed), 2 (sealed); Resp. Ex. A (sealed); Resp. Ex. B (sealed), Resp. Ex. C (sealed), Resp. Ex. D (sealed). In addition, medical reviews conducted of Respondent during the period of May 2020 to

September 2020 specifically list each of the alleged substances, namely, cocaine, oxycodone, marijuana, and heroin, as Respondent's drugs of choice. Dept. Ex. 1, pp. 43-48 (sealed).

Respondent argues, and the record establishes, that Respondent is prescribed marijuana for medical purposes, but the record is devoid of any evidence demonstrating who is prescribing medical marijuana to Respondent, how much marijuana Respondent is being prescribed, or whether Respondent's medical marijuana use is being monitored. Tr., pp. 26, 27, 45, 91-93, 97-99 (sealed); Dept. Ex. 1, p. 5 (sealed); Dept. Ex. 2, pp. 1, 66, 68 (sealed). In addition, in a letter dated November 5, 2020, Dayna Giordano, APRN, Respondent's then medication manager at Haven, expressed concern for Respondent's use of medical marijuana, writing, "In my opinion, this is an excuse to use another addictive substance in place of other addictive substances such as alcohol, opioids and Benzodiazepines. . . ." Dept. Ex. 2, p. 51 (sealed). Moreover, Respondent's urine screens reveal very high levels of marijuana, indicating abuse or use of marijuana to excess. Tr., pp. 26, 27 (sealed), Dept. Ex. 1, p. 5 (sealed) Dept. Ex. 2, pp. 4-8, 54, 55, 57, 61-63, 65, 70, 71 (sealed). As such, the Department sustained its burden of proof that from approximately 2010 to 2020, Respondent abused and/or utilized cocaine, oxycodone, marijuana and/or heroin to excess in violation of Conn. Gen. Stat. § 20-99(b)(5).

With respect to the allegation contained in paragraph 3 of the Charges, Respondent denies that from January 2008 to the present he has, or had, emotional disorders and/or mental illness. However, the record establishes otherwise. Treatment records submitted by the Department identify Respondent's specific emotional disorders and/or mental illness conditions. Bd. Ex. 5; Dept. Ex. 1, p. 2 (sealed); Dept. Ex. 2, pp. 15, 20, 23, 30, 37, 39, 41, 50 (sealed); Tr., pp. 84-86. Respondent argues that the conditions from which he suffers should not be considered "mental health disorders." However, notably, Respondent he does not dispute that he suffers from conditions specified in the record which qualify as emotional disorders and/or mental illness. Tr., pp. 71, 93, 94; Dept. Ex. 1, p. 2 (sealed); Dept. Ex. 2, pp. 15, 20, 23, 30, 37, 39, 41, 50 (sealed). As such, the Department sustained its burden of proof with respect to the allegation contained in paragraph 3 of the Charges.

With respect to the allegation contained in paragraph 4 of the Charges, during his testimony, Respondent denied that on or about September 20, 2021, he abused and/or utilized alcohol to excess. Tr., pp. 13, 14. However, Respondent's testimony stands in contradiction to his previous statements to the Department. During the Department's investigation, Respondent

admitted that he had ingested alcohol, but denied doing so “intentional[ly].” Dept. Ex. 1, p. 5. A urine screen conducted for Respondent on September 20, 2021 revealed an ETG level of 3480 ng/mL, indicating the presence of alcohol. Dept. Ex. 2, p. 5 (sealed). Jolanta Gawinski, Supervisor of the Practitioner Licensing and Investigation Section testified that the ETG level of Respondent’s sample is considered significant. Tr., pp. 28, 29 (sealed). Additionally, Dayna Giordano, APRN, Respondent’s former medication manager at Haven, noted that alcohol can be a replacement for other addictive substances. Dept. Ex. 2, p. 51 (sealed). Therefore, the consumption of any alcohol, as an addictive substance, is considered in excess when trying to maintain sobriety. As such, the Department sustained its burden of proof that on or about September 20, 2021, Respondent abused and/or utilized alcohol to excess in violation of Conn. Gen. Stat. § 20-99(b)(5).

With respect to the allegation contained in paragraph 5 of the Charges, the Department sustained its burden of proof that Respondent’s emotional disorders, mental illnesses, and/or abuse or excessive use of cocaine, oxycodone, heroin, alcohol, and/or marijuana does, and/or may, affect his practice in nursing. Although Respondent denies this allegation, (Bd. Ex. 5), the record establishes that Respondent’s conditions, if not adequately managed, can pose a risk in his practice of nursing. Tr., pp. 12-14; Dept. Ex. 1 (sealed), 2 (sealed); Resp. Ex. A (sealed); Resp. Ex. B (sealed), Resp. Ex. C (sealed), Resp. Ex. D (sealed). While Respondent has committed significant efforts towards his sobriety, (Tr., pp. 76-81), the very recent positive alcohol screen that Respondent produced indicates that Respondent remains vulnerable to use and/or abuse of alcohol and drugs use, and additional monitoring on an on-going basis is warranted to ensure the health and safety of patients in his care. As such, the Department sustained its burden of proof by a preponderance of the evidence that Respondent’s emotional disorders, mental illnesses, and/or abuse or excessive use of cocaine, oxycodone, heroin, alcohol, and/or marijuana does, and/or may, affect his practice in nursing in violation of §§ 20-99(b)(4) and (5) of the Statutes.

Based on the foregoing, the Board finds that the Department sustained its burden of proof regarding all of the allegations set forth in the Charges and concludes that Respondent’s conduct constitutes grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99(b)(5) and 19a-17.¹ Nonetheless, the Board finds that based on Respondent’s self-referral and compliance with

¹ Pursuant to Conn. Gen. Stat. § 19a-17, the Board may impose disciplinary action, as set forth in the Statute, upon the finding of good cause.

an intervention program, Respondent can practice nursing with reasonable skill and safety under the terms of the Order detailed below.

Order

Respondent's RN license shall be placed on probation for a period of three (3) years under the terms and conditions listed below. If any of the conditions of probation are not met, Respondent's registered nurse license may be subject to disciplinary action pursuant to Conn. Gen. Stat. § 19a-17.

- A. During the period of probation, the Board 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 for the period of probation.
- C. Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s) within thirty (30) days of the commencement of employment as to receipt of a copy of this Memorandum of Decision.
- D. If employed as a nurse, Respondent shall cause employer reports to be submitted to the Board 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 monthly during the first and third years of probation, and quarterly during the second year of probation.
- 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 Board at the address cited in Paragraph R below.
- F. Should Respondent's employment as a nurse be involuntarily terminated or suspended, Respondent and his employer shall notify the Board within seventy-two (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 Memorandum of 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 Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph R below.
- H. At his expense, Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist approved by the Board and the Department during the entire period of probation.
- I. Respondent shall provide a copy of this Memorandum of Decision to his therapist. The Board shall be notified in writing by his therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- J. Respondent shall cause evaluation reports to be submitted to the Board by his therapist during the entire probationary period. Therapist reports shall be submitted monthly during the first and third years of probation, and quarterly during the second year of probation.
- K. 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. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph R below.
- L. Commencing on the effective date of this Memorandum of Decision, Respondent shall attend "anonymous" or support group meetings on an average of eight (8) to ten (10) times per month and shall provide monthly reports to the Department concerning his record of attendance.
- M. 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 Board,

after consultation with the Department, as ordered by his therapist, and/or personal physician, and/or employer. 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 Board, 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 Board and 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 substance(s) prescribed by this provider for Respondent;
 - b. A list of controlled substance(s) prescribed by other providers;
 - c. An evaluation of Respondent's need for the controlled substance;
 - d. 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 per week during the first and third years of the probationary period and at least one such observed random alcohol/drug screen per month during the second year of the probationary period.
- (4) Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive *drug* screen results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. All positive *alcohol* screen results shall be confirmed by the urine Ethyl Glucuronide (EtG) 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	Benzodiazepines
Opiates (Metabolites)	Tramadol
Cannabinoids (THC Metabolites)	Phencyclidine (PCP)
Cocaine	Propoxyphene
Meperidine (Demerol)	Ethanol (alcohol)

Screens for additional substances, such as Fentanyl, may also be required, if requested by the Department.

- (6) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Board and the Department at the address cited in Paragraph R 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 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.
- O. Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine and that the ingestion of mouthwash may produce a positive result indicating the presence of alcohol. For that reason, any food substance containing poppy seeds and the ingestion of mouthwash 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 and/or mouthwash shall not constitute a defense to such positive screen.
- P. The Board must be informed in writing prior to any change of address.

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

Practitioner Monitoring and Compliance Unit
Department of Public Health
Healthcare Quality and Safety Branch
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford CT 06134-0308

- R. 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 § 19a-17(a) and (c) of the General Statutes of Connecticut, 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 which is deemed to be the most current address reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
2. This Memorandum of Decision becomes effective, and the three-year period of probation of registered nurse license no. 086560 shall commence, on the date of signature by the Board.

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

Dated at Waterbury, Connecticut this _____ day of _____, 2022.

BOARD OF EXAMINERS FOR NURSING

By _____
Patricia Bouffard, D.N.Sc, Chairperson

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

Colleen Gallagher, LPN
License No. 027133

Petition No. 2021-630

MEMORANDUM OF DECISION

Procedural Background

On August 9, 2021, the Department of Public Health ("Department") filed a Motion for Summary Suspension ("Motion") and a Statement of Charges ("Charges") with the Board of Examiners for Nursing ("Board") against Colleen Gallagher ("Respondent"). Board ("Bd.") Exhibit ("Ex.") 1, 2. The Charges allege violations of Chapter 378 of the Connecticut General Statutes ("Conn. Gen. Stat." by Respondent which would subject Respondent's licensed practical nurse ("LPN") license to disciplinary action pursuant to Conn. Gen. Stat. §§ 19a-17 and 20-99(b).

On August 11, 2021, based on the allegations in the Charges and 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. On that date, pursuant to Conn. Gen. Stat. §§ 4-182(c) and 19a-17(c), the Board ordered that Respondent's LPN license be summarily suspended, pending a final determination by the Board of the allegations contained in the Charges. Bd. Ex. 3.

On August 12, 2021, the Summary Suspension Order, Charges, and Notice of Hearing were sent to Respondent by electronic mail ("e-mail" and first class mail. Bd. Ex. 4. The Notice of Hearing informed that a hearing was scheduled for September 15, 2021. The hearing was held, as scheduled, via TEAMS video conference, on September 15, 2021. Respondent appeared *pro se*. Attorney Linda Fazzina appeared on behalf of the Department.

During the hearing on September 15, 2021, Respondent answered the allegations on the record and requested a continuance of the hearing. Transcript ("Tr.") 9/15/2021, pp. 5-11, 17. The Board granted Respondent's request for a continuance and she was informed that the hearing would be rescheduled in January 2022. Tr. 9/15/21, pp. 18, 19.

On September 29, 2021, a Notice of the continued hearing, informing Respondent that the hearing had been rescheduled to January 19, 2022, was sent to Respondent by first class mail to 1548 Freshly Mill Road, Irmo, South Carolina, 29063, and by electronic mail ("e-mail") to gallaghercolleen1971@icloud.com. Respondent provided both this mailing address and e-mail

address on the record during the September 15, 2021 hearing.¹ Bd. Ex. 5; Tr. 9/15/21, pp. 6, 17, 18. The Notice sent via first class mail was returned to sender. The Notice sent via e-mail was not returned as undeliverable.

On October 18, 2021, notification of the returned Notice sent by first class mail was e-mailed to Respondent at gallaghercolleen1971@icloud.com. Such e-mail notification was not returned as undeliverable.² Bd. Ex. 5.

On January 18, 2022 at 2:08 pm, the link to the January 19, 2022 TEAMs video hearing was sent to Respondent by e-mail to gallaghercolleen1971@icloud.com³ Bd. Ex. 6. The hearing convened as scheduled on January 19, 2022. Respondent failed to appear and was not represented by counsel. Attorney Linda Fazzina represented the Department. Tr. 1/19/22, pp. 3-13.

Each member of the Board involved in this decision attests that he/she was present at the hearing, or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence. *Pet v. Department of Health Services*, 228 Conn. 651 (1994).

Allegations

1. In paragraph 1 of the Charges, the Department alleges that Respondent, of Shallotte, North Carolina and/or formerly of Stratford, Connecticut is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut LPN license number 027133.
2. In paragraph 2 of the Charges, the Department alleges that on or about May 19, 2021, the Board ordered a Memorandum of Decision in Petition Number 2020-76 ("the Decision") that placed Respondent's nursing license on probation for a period of four years. Such disciplinary action was based, in part, upon Respondent's abuse or excess use of methadone or marijuana.

¹ In accordance with Conn. Gen. Stat. § 19a-89, "Whenever any person holding a license... issued by the Department of Public Health changes his office or residence address, he shall, within thirty days thereafter notify said department of his new office or residence address." In this case, subsequent to the September 15, 2021 hearing, Respondent did not provide the Department with any notification of a change of address as required by § 19a-89. Therefore, notice was sent to Respondent's last known e-mail address of record, and service of notice to such address is deemed sufficient.

² The e-mail sent from Jeffrey Kardys, Board Liaison, to Respondent at gallaghercolleen1971@icloud.com, informing Respondent that the Notice of the continued hearing date sent to the mailing address given by her during the September 15, 2021 hearing, 1548 Freshly Mill Road, Irmo, South Carolina, 29063, was returned, is hereby identified and entered into the record as Board Exhibit 5.

³ The e-mail sent by Jeffrey Kardys, Board Liaison, to Respondent on January 18, 2022 at 2:08 p.m., providing the link to the TEAMs hearing, is hereby identified and entered into the record as Board Exhibit 6.

3. In paragraph 3 of the Charges, the Department alleges that the Decision specifically provided, in part, that Respondent engage in therapy and counseling for chemical dependency with a licensed or certified therapist, approved by the Department; that Respondent cause her therapist to provide monthly reports to the Department during the first year of her probation; that Respondent submit to observed, random chain of custody urine screens for alcohol and drugs during the entire probationary period, at a testing facility approved by the Department; and that Respondent submit to at least one such urine screen on a weekly basis during the first year of her probation and have laboratory reports of random alcohol and drug screens submitted directly to the Department.
4. In paragraph 4 of the Charges, the Department alleges that Respondent has failed to:
 - (a) engage in therapy and counseling for chemical dependency;
 - (b) cause her therapist to provide monthly reports to the Department;
 - (c) engage the services of a screening monitor;
 - (d) submit to observed, random chain of custody urine screens for alcohol and drugs; and/or
 - (e) cause to have laboratory reports of urine screens for alcohol and drugs submitted directly to the Department.
5. In paragraph 5 of the Charges, the Department alleges that Respondent's conduct as described above constitutes violations of the terms of probation as set forth in the Decision, and subjects Respondent's license to revocation or other disciplinary action authorized by Connecticut General Statutes, §§19a-17 and 20-99(b).

Findings of Fact

1. There is insufficient evidence to establish that Respondent resides in Shallotte, North Carolina.⁴ Tr. 9/15/21, p. 6; Bd. Ex. 5.
2. Respondent is formerly of Stratford, Connecticut and has been, at all times referenced in this Statement of Charges, the holder of Connecticut LPN license number 027133. Tr. 9/15/21, p. 6.
3. On May 19, 2021, the Board's Decision ordered Respondent's LPN license be placed on probation for a period of four years. Such disciplinary action was based, in part, upon Respondent's abuse or excess use of methadone or marijuana. Department ("Dept.") Ex. 1, pp. 6-17; Tr. 9/15/21, pp. 6, 7.
4. The Board's May 19, 2021 Decision specifically provided, in part, that Respondent comply with all of the following orders: engage in therapy and counseling for chemical dependency with a licensed or certified therapist, approved by the Department, cause her therapist to provide monthly reports to the Department during the first year of her probation, submit to observed, random, chain of custody urine screens for alcohol and drugs during the entire

⁴ During the September 15, 2021 hearing, Respondent stated on the record that she resided in Irmo, South Carolina. However, documentation sent to Respondent at the Irmo, South Carolina address provided by Respondent was returned to sender Tr. 9/15/21, p. 6; Bd. Ex. 5.

- probationary period, at a testing facility approved by the Department, submit to at least one such urine screen on a weekly basis during the first year of her probation, and ensure that the laboratory reports of her random alcohol and drug screens be submitted directly to the Department. Tr. 9/15/21, pp. 7, 8.
5. Respondent failed to engage in therapy and counseling for chemical dependency. Dept. Ex. 1, pp. 20, 36-39.
 6. Respondent failed to cause her therapist to provide monthly reports to the Department. Tr. 9/15/21, pp. 9, 10.
 7. Respondent failed to engage the services of a screening monitor. Tr. 9/15/21, p. 10.
 8. Respondent failed to submit to observed, random, chain of custody urine screens for alcohol and drugs. Tr. 9/15/21, p. 10.
 9. Respondent failed to cause laboratory reports of urine screens for alcohol and drugs be submitted directly to the Department. Tr. 9/15/21, pp. 10, 11.
 10. Respondent violated the terms of her probation in accordance with the Decision. Dept. Ex. 1; Tr. 9/15/21, pp. 6-11.

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 allegations contained in the Charges.

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

- (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 allegation contained in paragraph 1 of the Charges, the Department sustained its burden of proof. The Department demonstrated, and Respondent admitted, that Respondent was formerly of Stratford, Connecticut and, at all times referenced in this Statement of Charges, Respondent was the holder of Connecticut LPN license number 027133. Tr. 9/15/21, p. 6. However, during the September 15, 2021 hearing, Respondent denied that she is from Shallotte,

North Carolina, as alleged in paragraph 1 of the Charges. At that hearing, Respondent testified on the record that she currently resides at 1548 Freshly Mill Road, Irmo, South Carolina. However, the Notice of continued hearing sent to Respondent subsequent to the September 15, 2021 hearing at the Irmo, South Carolina mailing address she provided to the Board on September 15, 2021 was returned to sender. Bd. Ex. 5 As such, Respondent failed to provide the Department with her current address as required by Conn. Gen. Stat. § 19a-89 and there is insufficient evidence establishing Respondent's current address.

With respect to the allegations contained in paragraphs 2, 3, and 4b through 4e, inclusive, of the Charges, the Department sustained its burden of proof, as Respondent admitted to each of these allegations, Tr. 9/15/21, pp. 6-11. Respondent claims that she failed to comply with the terms of the Decision because she did not have insurance. Tr. 9/15/22, pp. 8, 10. However, The Board specifically ordered in paragraphs 1H and 1L(1) of the Decision that compliance with the therapy, counseling, and urine screen requirements are at Respondent's expense. Dept. Ex. 1, pp. 12-17. Respondent's lack of insurance to cover the cost of such expenses does not excuse nor relieve Respondent of her obligation to comply with the terms of the Decision.

With respect to the allegation contained in paragraph 4a of the Charges, Respondent claims that she engaged in therapy and counseling for chemical dependency in North Carolina. Tr., 9/15/21, p. 8. However, Respondent failed to submit any evidence of any therapy or counseling for chemical dependency in North Carolina, or in any other state. The Department entered into evidence e-mail communications from the Department to Respondent dated June 18, 2021 and June 29, 2021. Those email communications establish that the Department informed Respondent that she was non-compliant with the Decision. In addition, the Department entered into evidence a Notice of Noncompliance that the Department sent to Respondent on July 9, 2021, expressly stating that Respondent was not in compliance with section 1H of the Decision which requires Respondent to engage in therapy and counseling for chemical dependency. Dept. Ex. 1, pp. 20, 36-39. Regardless of where Respondent claims she engaged in therapy and counseling for chemical dependency, the Decision is clear that it is the Respondent's responsibility to provide proof of engagement and attendance in therapy and counseling for chemical dependency to the Department. Absent proof of any such therapy or counseling, the Department has sustained its burden of proof by a preponderance of the evidence that Respondent failed to submit any evidence of therapy or counseling for chemical dependency in violation of the Decision and Conn. Gen. Stat. §§ 20-99(b)(4) and (5).

Based on the foregoing, the Department sustained its burden of proof that Respondent failed to comply with the terms of the Decision. Respondent's failure to appear and present any evidence addressing her abuse or excess use of methadone or marijuana under the terms of the Decision warrants the imposition of disciplinary action to protect the health and safety of the public. Therefore, the Board concludes that Respondent's conduct, as alleged in the Charges and proven by a preponderance of the evidence, constitutes grounds for disciplinary action pursuant to Conn. Gen Stat. §§ 20-99(a), 20-99(b)(4) and (5), and 19a-17. The Board further concludes that a preponderance of the evidence establishes that Respondent cannot practice as a licensed practical nurse with reasonable skill and safety.

Order

Based on the record in this case, the above findings of fact, and conclusions of law, the Board hereby orders, with respect to Colleen Gallagher, LPN, license number 027133, as follows:

1. Respondent's license number 027133 to practice as a practical nurse in the State of Connecticut is hereby **REVOKED**.
2. This Memorandum of Decision becomes effective upon signature.

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

Dated at Waterbury, Connecticut this _____ day of _____, 2022.

BOARD OF EXAMINERS FOR NURSING

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

SUMMARY SUSPENSION COVER SHEET

In re: Kimberly Lemire, R.N.

Petition No. 2022-561

1. Respondent is, and has been since October 30, 2018, the holder of Connecticut registered nurse license number 155761.
2. The respondent herein was also the respondent in Petition No. 2019-1237 wherein the Connecticut Board of Examiners for Nursing (hereinafter "the Board"), on or about May 20, 2020, summarily suspended respondent's registered nurse license number 155761; and, on or about June 17, 2020, held a hearing; and, on or about April 21, 2021, issued a Memorandum of Decision; and, on or about September 15, 2021, issued an Amended Memorandum of Decision; and placed respondent's registered nurse license on probation for a period of one year. However, respondent's probation thereunder has been tolled since October 29, 2021.
3. On or about May 23, 2022, in the matters of Kimberly Lemire, R.N., Matters No. C22-0536 and C22-0580 (hereinafter the "RI Matters"), the Rhode Island Board of Nurse Registration and Nursing Education (hereinafter the "RI Board"), issued an Order Revoking License (hereinafter the "RI Order"), wherein it revoked the respondent's Rhode Island registered nurse license.
4. In the RI Order, the RI Board cited to a hearing it held in the RI Matters and the facts that it found thereat. Those facts included, in part, that:
 - a. As a registered nurse in Connecticut, the respondent failed to document hospital records, failed to safeguard controlled substances, failed to administer and/or document properly the administration of controlled substances, falsified and/or improperly documented control substance disposition records, and falsified another person's name for the wasting of a controlled substance; and
 - b. In July 2018, the respondent had discrepancies in her narcotic book at a nursing home where she was employed; and
 - c. In December 2018, the respondent diverted oxycodone at a nursing home in Rhode Island; and
 - d. On three different occasions in 2020, the respondent diverted oxycodone at two different nursing homes at which she worked; and
 - e. The respondent was not truthful on her 2021 Rhode Island renewal application whereon she failed to disclose the May 2020 disciplinary action taken by Connecticut against her registered nurse license; and
 - f. In February 2022, the respondent diverted oxycodone at a nursing home where she worked and forged the director of nursing's signature in an effort to cover up her diversion; and

g. In April 2022, the respondent diluted morphine of a patient in her care.

5. The above cited facts evidence conduct of the respondent failing to conform to the accepted standards of the nursing profession, they represent a clear and immediate danger to the public health and safety if respondent is allowed to continue to practice, and they constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 19a-17 and 20-99, including, but not necessarily limited to:

- a. §19a-17(a),
- b. §19a-17(c),
- c. §19a-17(f),
- d. §20-99(b)(1),
- e. §20-99(b)(2),
- f. §20-99(b)(6), and
- g. §20-99(b)(7).

6. For the foregoing reasons, the Department respectfully requests that the Board summarily suspend respondent's 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: Kimberly Lemire, R.N.

Petition No. 2022-561

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 Kimberly Lemire, R.N. to practice as a registered nurse in Connecticut. This motion is based on the attached Statement of Charges, Affidavit and on the Department's information and belief that the continued practice as a nurse represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 23rd day of June 2022.



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: Kimberly Lemire, R.N.

Petition No. 2022-561

STATEMENT OF CHARGES

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

1. Kimberly Lemire, R.N., of Pascoag, Rhode Island (hereinafter "respondent") is, and has been, at all times referenced herein, the holder of Connecticut registered nursing license number 155761.
2. The respondent herein was also the respondent in Petition No. 2019-1237 wherein the Connecticut Board of Examiners for Nursing (hereinafter "the Board"), on or about May 20, 2020, summarily suspended respondent's registered nurse license number 155761; and, on or about June 17, 2020, held a hearing; and on or about April 21, 2021, issued a Memorandum of Decision; and, on or about September 15, 2021, issued an Amended Memorandum of Decision; and placed respondent's registered nurse license on probation for a period of one year.
3. On or about May 23, 2022, in the matters of Kimberly Lemire, R.N., Matters No. C22-0536 and C22-0580 (hereinafter the "RI Matters"), the Rhode Island Board of Nurse Registration and Nursing Education (hereinafter the "RI Board"), issued an Order Revoking License (hereinafter the "RI Order"), wherein it revoked the respondent's Rhode Island registered nurse license.
4. In the RI Order, the RI Board cited to a hearing it held in the RI Matters, and the facts that it found thereat. Those facts included, in part, that:
 - a. As a registered nurse in Connecticut, the respondent failed to document hospital records, failed to safeguard controlled substances, failed to administer and/or document properly the administration of controlled substances, falsified and/or improperly documented control substance disposition records, and falsified another person's name for the wasting of a controlled substance; and
 - b. In July 2018 the respondent had discrepancies in her narcotic book at a nursing home where she was employed; and
 - c. In December 2018, the respondent diverted oxycodone at a nursing home in Rhode Island; and

- d. On three different occasions in 2020, the respondent diverted oxycodone at two different nursing homes at which she worked; and
- e. The respondent was not truthful on her 2021 Rhode Island renewal application whereon she failed to disclose the May 2020 disciplinary action taken by Connecticut against her registered nurse license; and
- f. In February 2022, the respondent diverted oxycodone at a nursing home where she worked and forged the director of nursing's signature in an effort to cover up her diversion; and
- g. In April 2022, the respondent diluted morphine of a patient in her care.

5. The above cited facts evidence conduct of the respondent failing to conform to the accepted standards of the nursing profession, they represent a clear and immediate danger to the public health and safety if respondent is allowed to continue to practice, and they constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 19a-17 and 20-99, including, but not necessarily limited to:

- a. §19a-17(a),
- b. §19a-17(c),
- c. §19a-17(f),
- d. §20-99(b)(1),
- e. §20-99(b)(2),
- f. §20-99(b)(6), and
- g. §20-99(b)(7).

6. For the foregoing reasons, the Department believes that respondent's continued practice as a registered nurse represents a clear and immediate danger to the public health and safety.

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing, as authorized by the Connecticut General Statutes, §§ 20-99(b) and 19a-17, summarily suspend the registered nurse license of Kimberly Lemire, R.N. until a full hearing on the merits can be held, and that it revoke or order other disciplinary action against the registered nurse license of Kimberly Lemire, R.N. as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 23rd day of June 2022.



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 Thompson, L.P.N.

Petition No. 2021-714

MOTION TO WITHDRAW STATEMENT OF CHARGES

The Department of Public Health (hereinafter "the Department") hereby moves the Board of Examiners for Nursing (hereinafter "the Board") for an Order granting this Motion to Withdraw. As grounds for this Motion, the Department states that on June 21, 2022, respondent signed a Voluntary Surrender of License Affidavit. A copy of respondent's Affidavit is attached hereto marked as Attachment "A." The Department has accepted respondent's Affidavit and license.

Respondent has voluntarily given up her right to practice as a licensed practical nurse in Connecticut with the Department's approval. For this reason, the Department believes that continued prosecution of this case is unnecessary, and that it is in the interests of administrative economy to terminate these proceedings at this time.

Dated this 27th day of June, 2022 at Hartford, Connecticut.

Aden T. Baume

Aden Baume, Staff Attorney
Office of Legal Compliance
Healthcare Quality and Safety Branch

ORDER

The foregoing motion having been duly considered by the Connecticut Board of Examiners for Nursing, it is hereby GRANTED / DENIED.

Dated this _____ day of _____, 2022 at Hartford, Connecticut.

Board of Examiners for Nursing

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

Re: Stacey Thompson, LPN
License No.: 037743

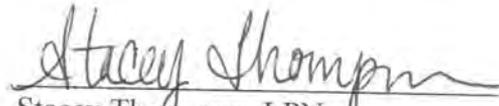
Petition No. 2021-714

VOLUNTARY SURRENDER

Stacey Thompson, LPN, being duly sworn, deposes and says:

1. I am over the age of majority and understand the obligations of an oath.
2. I make this affidavit on the basis of personal knowledge.
3. I am licensed by the Department of Public Health (hereinafter "the Department") to practice as a Licensed Practical Nurse. I presently hold license number 037743.
4. I hereby voluntarily surrender my license to practice as a Licensed Practical Nurse in the State of Connecticut as provided pursuant to Section 19a-17(d) of the General Statutes.
5. I agree and acknowledge that if I seek a new license or to reinstate my license at any time in the future, the allegations contained in Petition Number 2021-714 shall be deemed true. I further agree and acknowledge that any such application must be made to the Board of Examiners for Nursing (hereinafter "the Board") and the Department, and that the Board shall be a signatory to any order reinstating my license or granting me a new license.
6. I hereby waive any right to a hearing I may have regarding any request that my license be reinstated or that a new license be issued and also waive any right that I may have to appeal or otherwise challenge the disposition of any such request.
7. I agree and acknowledge that this affidavit and the case file in Petition Number 2021-714 are public documents, and I am executing this affidavit in settlement of the allegations contained in the above-referenced petition.
8. I agree and acknowledge that, upon execution of this document by the Department, the Department will present this document to the Board and will move to withdraw the Statement of Charges in Petition No. 2021-714. I understand that this document is not effective unless and until the Department has executed it, and the Board either grants the Department's Motion to Withdraw or the charges are dismissed.
9. I agree and acknowledge that I have the right to consult with an attorney prior to signing this affidavit.

- 10. I agree and acknowledge that 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.
- 11. I agree and acknowledge that the purpose of this agreement is to resolve the pending matter against my license and is not intended to affect any claim of civil liability that might be brought against me.
- 12. If applicable, I agree to comply with the provision of Section 19a-14-44 Regulations Connecticut State Agencies.


Stacey Thompson, LPN
CT.D.L.# 247541930

Subscribed and sworn to before me this 21st day of June 2022.


Notary Public Donna Parthen
Commissioner of Superior Court
my commission expires 9/30/24

Christian Andresen

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

June 27, 2022
Date

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

In re: Bridget Nicholson, R.N.

Petition No. 2020-248

CONSENT ORDER COVER SHEET

1. Bridget Nicholson ("respondent") graduated from St. Vincent's College and was granted a license to practice nursing in 2016.
She has no prior discipline.
2. On August 3, 2019, respondent abused or used alcohol to excess during which time she was involved in a motor vehicle collision which resulted in the death of another person.
3. On June 29, 2021, respondent was convicted of a felony; manslaughter in the second degree with a motor vehicle. She was thereafter committed to the Department of Corrections and sentenced to ten years of jail, execution suspended after thirty months, and five years of probation. She is currently incarcerated.
4. From approximately 2019 to the present, respondent has or had emotional disorders and/or mental illnesses ("illnesses").
5. The proposed Consent Order places the respondent's license on probation for four (4) years, subject to the following terms and conditions*:
 - Urine screens weekly for the 1st and 4th years and monthly for the 2nd and 3rd years;
 - Therapy reports monthly for the 1st and 4th years and quarterly for the 2nd and 3rd years;
 - Employer reports monthly for the 1st and 4th years and quarterly for the 2nd and 3rd years;
 - Probationary reports quarterly;
 - No solo practice or homecare; and
 - Anonymous or support meetings.
6. The Department and respondent respectfully request the Board to accept the proposed Consent Order.

*Normally, the terms of probation for substance abuse are not tolled. However, in this case, the terms of probation are tolled while respondent is incarcerated

CONFIDENTIALITY NOTICE: The confidentiality of the attached documents is required under Federal and State law. All recipients must maintain strict confidentiality. All forms of disclosure, whether oral, written, or electronic, are strictly prohibited.

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

In re: Mary-Elizabeth Taylor, RN

Petition Number: 2018-1355

PREHEARING REVIEW COVER SHEET

1. Mary-Elizabeth Taylor ("respondent") of Niantic, Connecticut graduated from University of Connecticut School of Nursing and received her registered nursing license in 2011. She has no prior discipline.
2. On or about July 24, 2018 and/or August 13, 2018, while practicing nursing at Day Kimball Hospital, respondent was impaired; abused or used alcohol to excess; and/or unable to practice nursing safely and competently.
3. From approximately March 3, 2018 through September 4, 2018, respondent abused or used to excess alcohol ("alcohol abuse").
4. From approximately 2018 to the present, respondent has or had one or more emotional disorders and/or mental illnesses ("illnesses").
5. Respondent's illnesses and/or alcohol abuse does, and/or may, affect her practice of nursing.
6. The Department and respondent, through her attorney, respectfully request the Board to review the attached documents and provide a recommendation regarding this petition.

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

In re: Bridget Nicholson, R.N.

Petition No. 2020-248

CONSENT ORDER COVER SHEET

1. Bridget Nicholson ("respondent") graduated from St. Vincent's College and was granted a license to practice nursing in 2016.
She has no prior discipline.
2. On August 3, 2019, respondent abused or used alcohol to excess during which time she was involved in a motor vehicle collision which resulted in the death of another person.
3. On June 29, 2021, respondent was convicted of a felony; manslaughter in the second degree with a motor vehicle. She was thereafter committed to the Department of Corrections and sentenced to ten years of jail, execution suspended after thirty months, and five years of probation. She is currently incarcerated.
4. From approximately 2019 to the present, respondent has or had emotional disorders and/or mental illnesses ("illnesses").
5. The proposed Consent Order places the respondent's license on probation for four (4) years, subject to the following terms and conditions*:
 - Urine screens weekly for the 1st and 4th years and monthly for the 2nd and 3rd years;
 - Therapy reports monthly for the 1st and 4th years and quarterly for the 2nd and 3rd years;
 - Employer reports monthly for the 1st and 4th years and quarterly for the 2nd and 3rd years;
 - Probationary reports quarterly;
 - No solo practice or homecare; and
 - Anonymous or support meetings.
6. The Department and respondent respectfully request the Board to accept the proposed Consent Order.

*Normally, the terms of probation for substance abuse are not tolled. However, in this case, the terms of probation are tolled while respondent is incarcerated

CONFIDENTIALITY NOTICE: The confidentiality of the attached documents is required under Federal and State law. All recipients must maintain strict confidentiality. All forms of disclosure, whether oral, written, or electronic, are strictly prohibited.

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

In re: Bridget Nicholson, R.N.

Petition No. 2020-248

CONSENT ORDER

WHEREAS, Bridget Nicholson, R.N. ("respondent") of Madison, Connecticut, has been issued registered nurse license number 137734 by the Connecticut Department of Public Health ("Department") pursuant to Connecticut General Statutes, Chapter 378.

WHEREAS, respondent admits:

1. On or about August 3, 2019, respondent abused or used alcohol to excess during which time respondent was involved in a motor vehicle collision which resulted in the death of another person.
2. On or about June 29, 2021, respondent was convicted of a felony; manslaughter in the second degree with a motor vehicle.
3. From approximately 2019 to the present, respondent has or had emotional disorders and/or mental illnesses ("illnesses").
4. Respondent's illnesses and abuse and/or excess use of alcohol does, and/or may, affect her ability to practice as a registered nurse.
5. The above-described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes of §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 violations at a hearing before the Board of Examiners for Nursing ("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).

WHEREAS, on or about September 21, 2021, respondent was committed to the Department of Corrections and sentenced to ten years of jail, execution suspended after thirty months, and five years of probation.

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

1. Respondent waives the 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 registered nurse license number 137734 is placed on probation for four (4) 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 ("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 engagement in such capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
 - (3) If respondent's therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy is warranted, or that respondent should be

transferred to another therapist, he or she shall advise the Department. Said termination of therapy, reduction in frequency of therapy, and/or respondent's transfer to another therapist shall not occur until approved by the Department. However, if therapy is terminated with approval of the Department, respondent's therapist shall continue to monitor her alcohol and drug free status by monitoring and reviewing the observed random urine screens for drugs and alcohol as described in paragraph 3B below, and by providing the reports described in paragraph 3C below.

- (4) The therapist shall immediately notify the Department in writing if respondent discontinues therapy and/or terminates services.
- B. Respondent shall not obtain or use controlled substances, legend drugs, marijuana 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 Department. Laboratory reports of random alcohol and drug screens shall be submitted directly to 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 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, marijuana 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. 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. If 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 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 practice nursing safely and competently, 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 employers if employed as a nurse during the probationary period. All such employer(s) shall confirm receipt of a copy of this Consent Order, in writing to the Department within fifteen (15) days of the effective date of this Consent Order or within fifteen (15) days of commencement of employment with a new employer.
- F. Respondent shall not be employed as a nurse for a personnel provider service, nursing staffing agency, 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. If employed as a nurse, respondent shall be responsible for providing written reports directly to the Department from respondent's immediate nursing supervisor monthly for the first and fourth years of probation; and quarterly for the second and third years of probation. Employer reports shall include documentation of respondent's ability to practice nursing safely and competently, and shall be issued to the

Department at the address cited in paragraph N 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.

- H. Respondent shall be responsible for the provision of quarterly written reports directly to the Department from respondent's criminal probation officer which shall include documentation of respondent's compliance with the terms and conditions of her criminal probation. The reports shall be issued to the Department at the address cited in paragraph N below. A report indicating that respondent violated any terms or conditions of her criminal probation shall be deemed to be a violation of this Consent Order.
- I. During the entire probationary period, respondent shall attend "anonymous" or support group meetings at least 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 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:

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 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. 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 Department shall not be a waiver or preclude the Department's right to act later. The Department 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 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-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.

11. If respondent violates any 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, 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 and given due weight by the Board in determining whether respondent's conduct constitutes a clear and immediate danger required by Connecticut General Statutes §§4-182(c) and 19a-17(c). Respondent understands that the Board has complete and final discretion whether a summary suspension is ordered.
12. While respondent is incarcerated, the probationary terms and conditions shall be tolled and such times shall not be counted in reducing the probationary period required by this Consent Order. Respondent shall provide written notice to the Department thirty (30) days prior to her release from incarceration and agrees to immediately comply upon such release with all terms and conditions contained in paragraph 3 above.
12. If, during the period of probation, respondent practices nursing outside Connecticut, respondent shall provide written notice to the Department concerning such practice. During

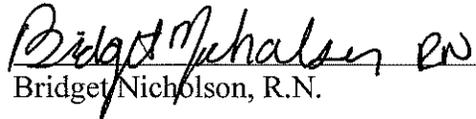
such time, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut 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 probationary terms and conditions required in paragraph 3 above.

13. If 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.
14. 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 because 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 Connecticut or United States law.
15. Respondent permits a representative of the Department to present this Consent Order and its factual basis to the Board. Respondent agrees that the Board has complete and final discretion

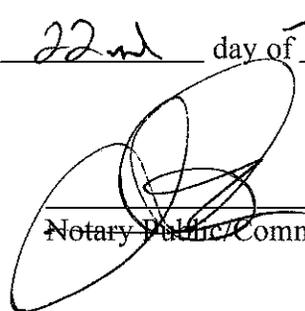
whether an executed Consent Order is approved or accepted. Respondent waives any claim of error that could be raised related to or arises during the Board's review of any documents and discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this 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.

16. 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.
17. Respondent consulted with her attorney before signing this Consent Order.
18. 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.
19. 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, Bridget Nicholson, 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.


Bridget Nicholson, R.N.

Subscribed and sworn to before me this 22nd day of June, 2022.


~~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 12th day of July, 2022, 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 Connecticut Board of Examiners for Nursing on the _____ day of _____, 2022, 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: Richard Alan Smith, RN

Petition No.: 2020-339

CONSENT ORDER COVER SHEET

1. Richard Alan Smith ("respondent") of Science Hill, Kentucky graduated from Eastern Kentucky University in 2017. He was granted a Connecticut nursing license in 2020. His license has not been disciplined previously in Connecticut.
2. Respondent is a travel nurse. He is not currently practicing nursing in Connecticut.
3. On or about March 19, 2020, the State of Tennessee, Department of Health, Board of Nursing ("Tennessee Board") summarily suspended respondent's Tennessee registered nursing license in part, after respondent tested positive for Fentanyl on September 20, 2019.
4. On or about May 20, 2020, the Tennessee Board approved a Consent Order in Case No. 2019050091 ("Tennessee Order") in which he agreed to voluntary surrender his Tennessee nursing license. The Tennessee Order was based, in part, upon respondent's admission that he diverted controlled substances, including fentanyl, from Methodist Medical Center in Tennessee while working as a registered nurse and that his urine was confirmed positive for fentanyl in September 2019.
5. On or about January 25, 2021, the Kentucky Board of Nursing issued an Agreed Order in Case No. 2020-0842-IB ("Kentucky Order") based, in part, on the Tennessee Order which placed his Kentucky nursing license on probation for at least eighteen months.
6. On or about September 20, 2019, respondent abused or used Fentanyl to excess which abuse or use to excess does, and/or may, affect his practice of nursing.
7. The proposed Consent Order places a reprimand on respondent's license and if respondent intends to commence the practice of nursing in Connecticut, he shall give written notice to the Department no less than ninety (90) days before commencement. Respondent agrees that the Department may require respondent to satisfy additional terms and/or conditions before he may commence practicing nursing in Connecticut.
8. The Department and respondent respectfully request the Board to accept the proposed Consent Order.

CONFIDENTIALITY NOTICE: The confidentiality of the attached documents is required under Federal and State law. All recipients must maintain strict confidentiality. All forms of disclosure, whether oral, written, or electronic, are strictly prohibited.

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH
BOARD OF NURSING**

In The Matter of:)	
)	
RICHARD A. SMITH,)	
KENTUCKY R.N. License No. 1132849)	Case No. 2019050091
CONNECTICUT R.N. License No. 167866)	
)	
Respondent.)	

CONSENT ORDER

The State of Tennessee, by and through the Office of General Counsel and the Respondent, Richard A. Smith, R.N. (hereinafter "Respondent"), hereby stipulate and agree, subject to approval by the Tennessee Board of Nursing (hereinafter "Board"), to the following:

I. Authority and Jurisdiction

The Board regulates and supervises nurses licensed to practice pursuant to Tennessee Code Annotated Section (hereinafter "TENN. CODE ANN. §") 63-7-101, *et seq.* (hereinafter "Code"), including the discipline of licensees, as well as those who are required to be licensed, who violate the Code and the Rules promulgated by the Board, Official Compilation of Rules and Regulations of the State of Tennessee (hereinafter "TENN. COMP. R. & REGS."), 1000-01-.01, *et seq.* (hereinafter "Rules"). Tennessee is a party state to the Interstate Nurse Licensure Compact, pursuant to TENN. CODE ANN. § 63-7-402:

ARTICLE III – General Provisions and Jurisdiction.

- (d) All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions.

- (e) The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts and the laws of the party state in which the client is located at the time service is provided.

The Board enforces the Code and Rules to promote and protect the health, safety and welfare of the public; accordingly, it is the policy of the Board to require strict compliance with the law and to apply the law to preserve the quality of nursing care provided in Tennessee.

II. Stipulations of Fact

1. Respondent has been at all times pertinent hereto licensed by the Kentucky Board of Nursing as a Registered Nurse (hereinafter "RN"), having been granted license number 1132849 on July 6, 2012, which currently has an expiration date of October 31, 2020. Respondent's RN nursing license is active and bears a multistate privilege to practice nursing in states which have entered into the Interstate Nurse Licensure Compact.
2. Respondent has been at all times pertinent hereto licensed by the Connecticut Board of Nursing as an RN, having been granted license number 167866 on January 16, 2020, which currently has an expiration date of June 30, 2021.
3. In September 2019, Respondent diverted controlled substances, including fentanyl, from Methodist Medical Center (hereinafter "Methodist") in Oak Ridge, Tennessee while working as an RN on the multistate privilege afforded to Respondent by his Kentucky nursing license. Respondent was employed as a travel nurse working in the post-anesthesia care unit (hereinafter "PACU") at Methodist.
4. On September 20, 2019, the Methodist PACU Nurse Manager (hereinafter "Nurse Manager") requested Respondent submit to a for-cause urine drug screen (hereinafter "UDS"). When the UDS technician asked Respondent to empty his pockets prior to the UDS, Respondent removed two (2) unlabeled syringes containing liquid and an empty Benadryl vial from his pocket(s); the UDS technician told Respondent to surrender the syringes and the vial to the Nurse Manager. After Respondent's UDS, the Nurse Manager questioned Respondent about the

contents of the unlabeled syringes. Respondent stated one (1) syringe contained Dilaudid and one (1) syringe contained fentanyl.

5. On September 26, 2019, Respondent's UDS was confirmed positive for fentanyl.

6. On November 27, 2019, Respondent submitted a sworn statement to a Tennessee Department of Health investigator. Respondent stated the unlabeled syringe containing fentanyl was leaking at the time he surrendered it to the Nurse Manager and further stated the Nurse Manager saw the syringe leaking and acknowledged it was leaking. Respondent's justification for his UDS being positive for fentanyl was fentanyl leaked onto his hand(s) from the syringe.

7. On February 28, 2020, the Nurse Manager signed a sworn affidavit denying knowledge of the syringe containing fentanyl leaking that was surrendered to her by Respondent prior to his UDS on September 20, 2019.

III. Stipulated Grounds for Discipline

The Stipulations of Fact are sufficient to establish that Respondent has violated TENN. CODE ANN. § 63-7-101, *et seq.*, for which disciplinary action by the Board is authorized.

8. The facts stipulated in paragraph five (5) constitute a violation of TENN. CODE ANN. § 63-1-126:

(b) Testing positive for any drug on any government or private sector preemployment, or employer-ordered confirmed drug test.

9. The facts stipulated in paragraphs three (3) through six (6) constitute a violation of TENN. CODE ANN. § 63-7-115(a)(1):

(F) Is guilty of unprofessional conduct.

10. Respondent's acts and conduct enumerated in paragraphs three (3) through six (6) constitute proof of Rule 1000-01-.13(1) of the TENN. COMP. R. & REGS., which defines "unprofessional conduct, unfitness or incompetency by reason of negligence, habits or other

cause” as including, but not limited to:

- (e) Unauthorized use or removal of narcotics, drugs, supplies, or equipment from any health care facility, school, institution or other work place location;
- (f) The use of any intoxicating beverage or the illegal use of any narcotic or dangerous drug while on duty in any health care facility, school, institution, or other work place location;
- (g) Being under the influence of alcoholic beverages, or under the influence of drugs which impair judgment while on duty in any health care facility, school, institution or other work place location; and
- (w) Engaging in acts of dishonesty which relate to the practice of nursing.

IV. Stipulated Disposition

11. For the purpose of avoiding further administrative action with respect to this cause, Respondent agrees to **VOLUNTARILY SURRENDER** his privilege to practice nursing in the State of Tennessee, beginning the effective date of this Order. Respondent understands that a voluntary surrender has the same effect as a revocation.

12. Respondent further agrees to **CEASE** and **DESIST** the practice of nursing in the State of Tennessee, beginning the effective date of this Order.

13. Respondent must pay the actual and reasonable costs of investigation and enforcement in this matter. These costs will be established by an Assessment of Costs prepared by counsel for the Department. The Assessment of Costs shall not exceed one thousand five hundred dollars (\$1,500.00) and shall be paid in full within twenty-four (24) months from the issuance of the Assessment of Costs. Such costs shall include, but not be limited to, the following:

- (a) All costs absorbed by or assessed against the board by the Department's Bureau of

Investigations in connection with the prosecution of the matter including all investigator time, travel and lodging incurred during the prosecution;

- (b) All costs absorbed by or assessed against the board by the Division of Health Related Boards for the use of the division facilities and personnel for prosecution of the matter;
- (c) All costs assessed against the board for the appearance fees, transcripts, time, travel and lodging of administrative law judges and court reporters and witnesses required in the prosecution of the matter; and
- (d) All costs attributed to and assessed against the board by the Department's Office of General Counsel in connection with the prosecution of the matter, including all attorney and paralegal time, travel and lodging incurred during the prosecution of the matter.

14. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

V. Representations of Respondent

15. Respondent understands and admits the allegations, charges, and stipulations in this Order.

16. Respondent understands the rights found in the Code, Rules, and the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 thru 4-5-404, including the right to a hearing, the right to appear personally and by legal counsel, the right to confront and to

cross-examine witnesses who would testify against Respondent, the right to testify and to present evidence on Respondent's own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, as well as the right to appeal for judicial review. Respondent voluntarily waives these rights in order to avoid further administrative action.

17. Respondent agrees presentation of this Order to the Board and the Board's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members become prejudiced requiring their disqualification from hearing this matter should this Order not be ratified. All matters, admissions, and statements disclosed during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

18. Respondent agrees facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.

19. Respondent also agrees the Board may issue this Order without further process. If the Board rejects this Order for any reason, it will be of no force or effect for either party.

20. Respondent agrees he has not received any threats or promises of any kind by the State or any agent or representative thereof, except such as is detailed herein.

VI. Notice

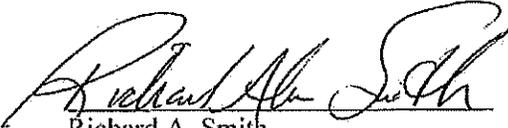
21. The discipline in this Order is public formal disciplinary action and will be reported to the National Practitioner Data Bank ("NPDB").

22. Costs shall be paid by submitting a **certified check, cashier's check, or money order** payable to the State of Tennessee. Costs payments must include the Respondent's name and the case number, # **2019050091**, on the instrument of payment and shall be mailed or delivered to:

**Office of Investigations
Attn: Disciplinary Coordinator
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

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APPROVED FOR ENTRY:


Richard A. Smith
Kentucky R.N. License No. 1132849
Respondent

March 30, 2020
DATE

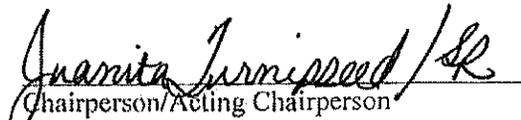

T. Eric Winters (BPR # 036263)
Associate General Counsel
Tennessee Department of Health
Office of General Counsel
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243
(615) 741-1611

March 30, 2020
DATE

Approval by the Board

Upon the agreement of the parties and the record as a whole, this **CONSENT ORDER** was approved as a **FINAL ORDER** by a majority of a quorum of the Tennessee Board of Nursing at a public meeting of the Board and signed this 20th day of May, 2020.

ACCORDINGLY, IT IS ORDERED that the agreements of the parties will, and hereby do, become the Final Order of the Board.


Chairperson/Acting Chairperson
Tennessee Board of Nursing

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

In re: Richard Alan Smith, RN

Petition No. 2020-339

CONSENT ORDER

WHEREAS, Richard Alan Smith ("respondent") of Kentucky has been issued Connecticut licensed registered nurse license number 167866 by the Department of Public Health ("Department") pursuant to Connecticut General Statutes, Chapter 378, as amended.

WHEREAS, respondent admits:

1. On or about March 19, 2020, the State of Tennessee, Department of Health, Board of Nursing ("Tennessee Board") summarily suspended respondent's Tennessee registered nursing license, in part, after respondent tested positive for Fentanyl on September 20, 2019.
2. On or about May 20, 2020, the Tennessee Board approved a Consent Order in Case No. 2019050091 ("Tennessee Order") in which he agreed to voluntarily surrender his Tennessee nursing license. The Tennessee Order was based, in part, upon respondent's admission that he diverted controlled substances, including fentanyl, from Methodist Medical Center in Tennessee while working as a registered nurse and that his urine was confirmed positive for fentanyl in September 2019.
3. On or about January 25, 2021, the Kentucky Board of Nursing issued an Agreed Order in Case No. 2020-0842-IB ("Kentucky Order") based, in part, on the Tennessee Order which placed his Kentucky nursing license on probation for at least eighteen months.
4. On or about September 20, 2019, respondent abused or used Fentanyl to excess which abuse or use to excess does, and/or may, affect his practice of nursing.
5. The above-described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §§19a-17(f) and/or 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 violations at a hearing in front of the Board of Examiners for Nursing ("Board"). Respondent further agrees that 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).

WHEREAS, respondent does not currently practice nursing in the State of Connecticut.

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

1. Respondent waives his right to a hearing on the merits of this petition.
2. Respondent's Connecticut registered nurse license number 167866 is hereby reprimanded.
3. If respondent intends to commence the practice of nursing in Connecticut, respondent shall give written notice to the Department no less than ninety (90) days before said commencement.

Respondent agrees that the Department may require respondent to satisfy additional terms and/or conditions before respondent may commence the practice of nursing in Connecticut. Respondent agrees that any commencement of the practice of nursing in Connecticut in disregard of the above shall constitute a violation of this Consent Order and may subject respondent to further disciplinary action.

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

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

5. Respondent shall comply with all federal and state statutes and regulations applicable to his profession.
6. 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.
7. Respondent shall pay all costs necessary to comply with this Consent Order.
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 date it is approved and ordered by the Board.
10. Respondent understands this Consent Order is a public record.
11. Respondent understands this Consent Order shall be deemed as evidence of the above admitted violations in any proceeding before the Board in which (1) his compliance with this same Consent Order is at issue, or (2) his 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 and the Healthcare Integrity and Practitioner Data Bank maintained by the United States Department of Health and Human Services.
12. If respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing nursing, upon request by the Department, for a period not to exceed forty-five (45) days. During that time, respondent further agrees to cooperate with the Department in its investigation of the violation. 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 and 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). Respondent understands that the Board has complete and final discretion whether a summary suspension is ordered.

13. 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.

14. 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 because of any claim that the terms or conditions 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 Consent Order. 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 has under Connecticut or United States law.

15. Respondent permits a representative of the Department to present this Consent Order and its factual basis to the Board. Respondent agrees that the Board has complete and final discretion whether an executed Consent Order is approved or accepted. Respondent waives any claim of error that could be raised that is related to or arises during the Board's discussions and review of documents 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.

16. 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.
17. Respondent has been advised that he has right to consult with an attorney prior to signing this Consent Order.
18. 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.
19. 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, Richard Alan Smith, 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.

Richard Alan Smith
Richard Alan Smith

Subscribed and sworn to before me this 15th day of June, 2022.

Rachel Deane Health
Commissioner Superior Court/Notary Public

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 July, 2022, it is hereby accepted.

Christian 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 the Connecticut Board of Examiners for Nursing on the _____ day of _____, 2022, 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: Sara Croteau, L.P.N.

Petition No. 2021-739

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 Sara Croteau:

1. Sara Croteau of Sandy Hook, Connecticut (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut Licensed Practical Nurse license number 025849.
2. At all relevant times, respondent was employed as a nurse at The Curtis Home in Meriden, Connecticut.
3. On or about July 18, 2021, while working as a nurse at The Curtis Home in Meriden, Connecticut, respondent:
 - a. diverted 30 tablets of oxycodone;
 - 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. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99(b), including but not limited to:
 - a. §20-99(b)(2); and/or
 - b. §20-99(b)(6).

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 Sara Croteau as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 21st day of October 2021.



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

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

In re: Maureen Hurley, R.N.

Petition No. 2019-732

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 Maureen Hurley:

1. Maureen Hurley of Southbury, Connecticut (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut registered nursing license number E54148.
2. From approximately June 2019 to February 2020, including on or about June 20, 2019 and/or January 9, 2020, respondent abused and/or utilized to excess alcohol.
3. Respondent's abuse and/or excessive use of alcohol does, and/or may, affect her ability to practice as a registered 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).

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 Maureen Hurley as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 9th day of November 2021.



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

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

In re: Christine Trombino, L.P.N.

Petition No. 2020-895

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 Christine Trombino:

1. Christine Trombino of Willimantic (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nurse license number 029161.
2. From approximately March 2020, respondent has or had one or more emotional disorders and/or mental illnesses that does, and/or may, affect her practice as a licensed practical nurse
3. Respondent abused and/or used to excess alcohol on or about one or more of the following dates:
 - a. March 2020;
 - b. November 2020;
 - c. December 2020;
 - d. February 2021; and/or
 - e. March 2021.
4. Respondent's abuse and/or utilization to excess of alcohol does and/or may affect her practice as a licensed practical nurse.
5. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99(b), including but not limited to §20-99(b)(4); and/or §20-99(b)(5)

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 Christine Trombino as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 8th day of September 2021.



Christian D. Andresen, MPH, Section Chief
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