

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

Department of Public Health

Petition No. 2007-0213-010-011

vs.

Doreen Flaherty, RN, Lic. No. E52921  
Respondent

**MEMORANDUM OF DECISION**

***Procedural Background***

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges dated March 26, 2007. Dept. Exh. 2. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Doreen Flaherty (hereinafter "respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

The Board issued a Notice of Hearing dated April 4, 2007, scheduling a hearing for August 15, 2007. The hearing was rescheduled to November 21, 2007. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Notice of Hearing and Statement of Charges were mailed to respondent by certified and first class mail. Dept. Exh. 1.

The hearing took place on November 21, 2007, in Room 1-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing but was not represented by counsel. Transcript, November 21, 2007, p. 3.

During the hearing the Department amended the Statement of Charges by withdrawing Paragraphs 1 through 9 and renumbering paragraphs 10 through 13. Transcript, November 21, 2007, pp .6-7, 8-9.

Respondent orally answered the Statement of Charges as amended. Transcript, pp. 12-13.

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.

*Allegations*

1. Pursuant to a Memorandum of Decision issued by the Board of Examiners for Nursing in Petition No. 2003-0709-010-060 on June 16, 2004, respondent's license was placed on probation for four years.
2. Paragraph 3.M. of the Memorandum of Decision states that respondent shall not use any drug that has not been prescribed for a legitimate therapeutic purpose. Paragraph 3.L.(3) of the Memorandum of Decision states that respondent's urine screens shall be negative for the presence of drugs and alcohol.
3. On or about January 25, 2007, respondent tested positive for cocaine.
4. Respondent's conduct as described above constitutes violations of the terms of probation as set forth in the Memorandum of Decision, and subjects respondent's license to revocation or other disciplinary action authorized by the General Statutes of Connecticut, §§ 19a-17 and 20-99(b).

*Findings of Fact*

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

1. Respondent was issued registered nurse license number E52921 on September 6, 1990. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 4.
2. Respondent admits the allegations in Paragraphs 1, 2 and 3 of the Statement of Charges as amended. Transcript, pp. 12-13.
3. Respondent's license was placed on probation based on findings that from approximately December 2002 to June 2003, she diverted and abused controlled substances and abused alcohol.
5. Respondent has been receiving individual therapy for chemical dependency and has been participating in a women's recovery group and Narcotics Anonymous. Resp. Exh. A-C.
6. Other than the urine specimen collected on January 25, 2007, respondent's random urine screens have been negative for drugs and alcohol. Resp. Exh. C.

***Conclusions of Law and Discussion***

In consideration of the above Findings of Fact, the following conclusions are rendered:

Doreen Flaherty held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §§ 19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

The Department bears the burden of proof by a preponderance of the evidence in this matter.

Respondent admits the allegations in Paragraphs 1 through 3 of the Statement of Charges as amended. Transcript, pp. 12-13.

The General Statutes of Connecticut § 20-99 provides in relevant part:

- (a) The Board of Examiners for Nursing 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 . . .

The Board concludes that respondent's conduct as alleged and admitted violates the terms of probation as set forth in the Memorandum of Decision dated June 16, 2004. Therefore, respondent's registered nurse license is subject to disciplinary action pursuant to *Conn. Gen. Stat.* § 19a-17.

Respondent has presented sufficient evidence that she has engaged in meaningful substance abuse treatment and that she continues to participate in ongoing treatment, therapy and/or support meetings. The Board finds that respondent can practice nursing with reasonable skill and safety under the terms of this Order.

**Order**

Pursuant to its authority under *Conn. Gen. Stat.* §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

1. The probation of respondent's registered nurse license number E52921, ordered pursuant to the Memorandum of Decision dated June 16, 2004 is extended until July 1, 2010.
2. The terms of probation set forth in Memorandum of Decision dated June 16, 2004, shall continue in full force and effect except that paragraph 3. L (3). of the Decision is modified as follows: There must be at least one (1) such random alcohol/drug screen weekly from August 1, 2008 until July 1, 2010.
3. 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 her license. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take subsequent action. The Board shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to respondent's address of record (most current address reported to the Office of Practitioner Licensing and Certification of the Department of Public Health or the Board).
4. This Memorandum of Decision becomes effective on the date signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, Doreen Flaherty, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 16th day of July 2008.

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Bruff

**CERTIFICATION**

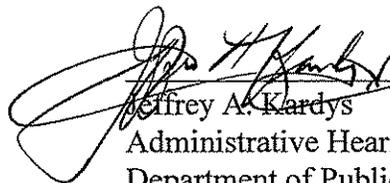
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 17<sup>th</sup> day of July 2008, by certified mail, return receipt requested and first class mail, to:

Doreen Flaherty  
14 Springfield Street  
Old Lyme, CT 06371

Certified Mail RRR #9171082133393205510508

and by Inter-Departmental Mail to:

Stanley K. Peck, Director  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
Hartford, CT 06134-0308



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



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

August 3, 2010

Doreen Flaherty, RN  
12 Little River Lane  
Middletown, CT 06457

Re: Memorandum of Decision  
Petition No. 2007-0213-010-011  
License No. E52921

Dear Ms. Flaherty:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective July 1, 2010.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Please be certain to retain a copy of this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process, and good luck to you in the future.

Very truly yours,

Bonnie Pinkerton, RN, Nurse Consultant  
Practitioner Licensing and Investigations Section

cc: J. Filippone  
J. Wojick



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