

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

Department of Public Health

Petition No. 2006-1109-010-101

vs.

Jennifer Holzman, RN, Lic. No. E52922  
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 and Motion for Summary Suspension dated December 28, 2006. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Jennifer Holzman (hereinafter “respondent”) which would subject respondent’s registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent’s continued nursing practice presented a clear and immediate danger to public health, welfare and safety. On January 17, 2007, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent’s registered nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Board Exh. A; Dept. Exh. 2.

The Board issued a Notice of Hearing dated January 17, 2007, scheduling a hearing for February 7, 2007. Respondent was provided notice of the hearing and charges against her. The Summary Suspension Order, Notice of Hearing, and Statement of Charges were served on respondent by State Marshal on January 22, 2007, and were delivered by certified mail to respondent’s address of record on January 25, 2007. Dept. Exh. 2; Board Exh. A.

The hearing took place on February 7, 2007 at the Hartford Hospital – Newington Campus, 181 Patricia M. Genova Drive, Newington, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, February 7, 2007, p. 2.

Respondent did not submit an Answer to the Statement of Charges.

During the hearing on February 7, 2007, the Department orally moved to modify the Statement of Charges to remove from Paragraph 4a reference to the controlled substances vicodin, oxycontin, and percocet. The Board granted the motion. Transcript, p. 6.

The Department filed a motion to deem the allegations admitted. The Board granted the motion to deem the Statement of Charges admitted as amended. Dept. Exh. 3; Transcript, pp. 4-6.

### *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 E52922 on September 6, 1990. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-tab B.
2. In April 1999, the Board issued a Memorandum of Decision in Petition No. 980507-101-034 (hereinafter "the Decision") that placed respondent's registered nurse license on probation for a period of two years. Such disciplinary action was based upon respondent's admitted diversion of controlled substances, failure to completely, properly and/or accurately document medical or hospital records and falsification of one or more Controlled Substance Receipt Records. Dept. Exh. 2-tab B.
3. During 2006, respondent was employed as a registered nurse for New Britain General Hospital, in New Britain, Connecticut. Dept. Exh. 2-tab A.
4. During 2006, while working as a registered nurse at New Britain General Hospital, respondent:
  - a. diverted controlled substances, including hydromorphone, morphine sulfate, dilaudid, and/or oxycodone;
  - b. failed to completely, properly and/or accurately document medical records; and/or,
  - c. falsified one or more Controlled Substance Receipt Records.Dept. Exh. 2-tab A.
5. During 2006, respondent abused or utilized to excess controlled substances. Dept. Exh. 3.
6. Respondent's abuse of controlled substances does, and/or may, affect her practice as a registered nurse. Dept. Exh. 3; Transcript February 7, 2007, p. 5-6.

*Conclusions of Law and Discussion*

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

Jennifer Holzman 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 Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by *Conn. Gen. Stat.* § 4-182(c).

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

**PARAGRAPH 2** of the Statement of Charges alleges that in April 1999, the Board issued a decision that placed respondent's registered nurse license on probation for a period of two years. Such disciplinary action was based upon respondent's admitted diversion of controlled substances, failure to completely, properly and/or accurately document medical or hospital records; and/or falsification of one or more Controlled Substance Receipt Records.

**PARAGRAPH 3** of the Statement of Charges alleges that during 2006, respondent was employed as a registered nurse for New Britain General Hospital, in New Britain, Connecticut.

**PARAGRAPH 4** of the Statement of Charges, as amended, alleges that during 2006, while working as a registered nurse at New Britain General Hospital, respondent:

- a. diverted controlled substances, including hydromorphone, morphine sulfate, dilaudid, and/or oxycodone;
- b. failed to completely, properly, and/or accurately document medical records; and/or,
- c. falsified one or more Controlled Substance Receipt Records.

**PARAGRAPH 5** of the Statement of Charges alleges that during 2006, respondent abused or utilized to excess controlled substances.

**PARAGRAPH 6** of the Statement of Charges alleges that respondent's abuse of controlled substances does, and/or may, affect her practice as a registered nurse.

Respondent did not submit an Answer to the Statement of Charges. Pursuant to § 19a-9-20 of the Regulations of Connecticut State Agencies the Board deems the allegations contained in the Statement of Charges, as amended, to be admitted.

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 includes, but is not limited to, the following: . . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in all of the Paragraphs of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§ 20-99(b)(2) and (5), and 19a-17.

**Order**

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

That for Paragraphs 4, 5 and 6 of the Statement of Charges, respondent's registered nurse license number E52922, is revoked effective the date this Memorandum of Decision is signed by the Board.

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

Dated at Hartford, Connecticut this 18th day of July 2007.

BOARD OF EXAMINERS FOR NURSING

By 

## CERTIFICATION

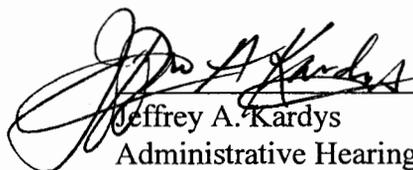
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 19<sup>th</sup> day of July 2007, by certified mail, return receipt requested and first class mail, to:

Jennifer Holzman  
65 New Road  
Avon, CT 06001

Certified Mail RRR #9171082133393205513912

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  
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