

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

Jennifer Peccerillo, R.N.  
License No. E54900

Petition No. 2009-20091220

**MEMORANDUM OF DECISION**

*Procedural Background*

On October 19, 2009, the Department of Public Health ("the Department") filed a Motion for Summary Suspension ("the Motion") and a Statement of Charges ("the Charges") with the Board of Examiners for Nursing ("the Board"). Bd. Exh. 2. The Charges allege violations of certain provisions of Chapter 378 of the General Statutes ("the Statutes") by Jennifer Peccerillo ("respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to §§ 19a-17 and 20-99(b) of the Statutes.

Based on the allegations in the Charges and the affidavits and reports accompanying 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 November 4, 2009, pursuant to §§ 4-182(c) and 19a-17(c) of the Statutes, that respondent's registered nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Charges ("the Order"). Bd. Exh. 3. On November 6, 2009, the Charges, the Order, and a Notice of Hearing were delivered to respondent's address of record by State Marshal. Bd. Exh. 1; Dept. Exh. 4.

A hearing was scheduled for November 18, 2009, at the Legislative Office Building (Bd. Exh. 1) and was continued four times at respondent's request. Bd. Exhs. 4-7. The hearing was finally held on October 6, 2010. Respondent was neither present nor represented Tr. p. 2. ; attorney Diane Wilan represented the Department Tr. p. 2. Respondent did not file an Answer. Tr. p. 8. During the hearing, the Board granted the Department's Motion to Deem the Allegations Admitted. Tr. p. 9.

Following the close of the record on October 6, 2010, the Board conducted fact-finding. 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*

***Count One***

1. Paragraphs one and six of the Charges allege that respondent is, and at all relevant times, has been the holder of Connecticut licensed practical nurse license number E54900.
2. Paragraphs two and six allege that respondent was, at all relevant times, employed as a registered nurse at Yale-New Haven Hospital, New Haven, Connecticut.
3. Paragraph three alleges that in or about May and August 2009, respondent abused or utilized to excess alcohol.
4. Paragraph four alleges that respondent's abuse of alcohol does, and/or may, affect her practice as a registered nurse.
5. Paragraph five alleges that the above facts constitute grounds for disciplinary action pursuant to § 20-99(b) of the Statutes, including but not limited to § 20-99(b)(5).

***Count Two***

6. Paragraph seven alleges that on December 6, 2006, the Board ordered a Consent Order in Petition No. 2005-1229-010-103 (hereinafter "the Consent Order") that placed respondent's registered nurse license on probation for four years based on respondent's admitted diversions of Demerol from Yale-New Haven Hospital Ambulatory Oncology Clinic.
7. Paragraph eight alleges that paragraph 3B(4) of the Consent Order requires that all of respondent's urine screens be negative for the presence of drugs and alcohol.
8. Paragraph nine alleges that on or about August 20, 2009, respondent's employer, Yale-New Haven Hospital, asked her to submit to a urine screen. Respondent did so and tested positive for alcohol.
9. Paragraph ten alleges that on or about September 2 and/or September 9, 2009, respondent admitted to the Department that she relapsed on alcohol in May and August of 2009.
10. Paragraph eleven alleges that paragraph 3H of the Consent Order requires respondent to provide written reports from her nursing supervisor stating that respondent is able to safely and competently practice nursing.
11. Paragraph twelve alleges that on or about September 2, 2009, respondent's supervisor reported that respondent was frequently absent or tardy, was unable to complete assignments, submitted incomplete documentation, failed to give patients supportive care drugs, and did not appear to be practicing nursing safely.

12. Paragraph thirteen alleges that paragraph 3C of the Consent Order requires that respondent provide written reports from her therapist that include an evaluation that respondent is able to safely and competently practice nursing.
13. Paragraph fourteen alleges that on September 10, 2009, respondent's therapist reported to the Department that respondent had a significant relapse in August 2009, was unable to quit drinking on her own, and was significantly depressed. Respondent's therapist also reported that respondent needed a higher level of care but may not remain in treatment as she believed her therapist's disclosure to the Department was a breach of therapeutic confidentiality.
14. Paragraph fifteen alleges that the above conduct constitutes violations of the terms of probation as set forth in the Consent Order, and subjects respondent's license to disciplinary action authorized by §§ 19a-17 and 20-99(b) of the Statutes.

#### *Findings of Fact*

1. The Department provided respondent with reasonable and adequate written notice of the allegations contained in the Charges. Bd. Exh. 1; Tr., pp. 3-5.
2. Respondent did not file an Answer. Tr. p. 8.
3. The factual allegations contained in paragraphs one through fifteen are deemed admitted and true. Tr. p. 9.

#### *Discussion and Conclusions of Law*

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Goldstar Medical Services, Inc., et al. v. Department of Social Services*, 288 Conn. 790 (2008); *Swiller v. Comm'r of Public Health*, CV-950705601, Superior Court, J.D. Hartford/New Britain at Hartford, October 10, 1995; *Steadman v. SEC*, 450 U.S. 91, 101 S. Ct. 999, *reh'g den.*, 451 U.S. 933 (1981). The allegations are deemed admitted; therefore, the Department sustained its burden of proof.

Section 20-99 of the Statutes provides, in pertinent part, that:

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

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 § 4-182(c) of the Statutes. Respondent did not submit an Answer to the Charges. Pursuant to §19a-9-20 of the Regulations of Connecticut State Agencies the Board deemed the allegations in the Charges to be admitted and true and the Board finds that such conduct constitutes grounds for disciplinary action pursuant to §§ 20-99(b)(5) and 19a-17 of the Statutes.

***Order***

Based on the record in this case, the above findings of fact and conclusions of law, the Board hereby orders that respondent's license number E54900 to practice as a registered nurse in the State of Connecticut is hereby **REVOKED**.

The Board of Examiners for Nursing hereby informs respondent, Jennifer Peccerillo, and the Department of Public Health of the State of Connecticut of this decision, which becomes effective on the date signed by the Board of Examiners for Nursing.

Dated at Hartford, Connecticut this 9th day of March 2011.

BOARD OF EXAMINERS FOR NURSING

By Patricia Bouffard  
Patricia Bouffard, R.N.

**CERTIFICATION**

I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 10<sup>th</sup> day of March 2011, by certified mail, return receipt requested and first class mail to:

Jennifer Peccerillo  
11 Grand Street  
West Haven, CT 06516

**Certified Mail RRR #91-7108-2133-3932-0556-3450**

and via email to:

Matthew Antonetti, Principal Attorney  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
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Jeffrey A. Kardys  
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