

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH**

Shugrue, Tracy, RN  
Lic. No. E55534

Petition No. 2008-0319-010-037

**MEMORANDUM OF DECISION**

*Procedural Background*

On May 7, 2008, 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"). Dept. Exh.1. The Charges allege violations of certain provisions of Chapter 378 of the General Statutes ("the Statutes") by Tracy Shugrue ("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 May 7, 2008, 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"). Dept. Exh. 1.

On May 7, 2008, the Charges, the Order and a Notice of Hearing were served on respondent by State Marshal. Dept. Exh. 2.

The hearing was held on May 21, 2008. At the hearing, respondent was not present or represented. Attorney Ellen Shanley represented the Department.

Respondent did not file an Answer to the Charges. During the hearing on May 21, 2008, the Board granted the Department's motion to deem the allegations admitted. Tr., May 21, 2008, p. 6.

Following the close of the record on May 21, 2008, 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*

1. In paragraphs one and six of the Charges, the Department alleges that Tracy Shugrue of Waterbury, CT is, and has been at all times referenced in the Charges, the holder of Connecticut registered nurse license number E55534.

*First Count*

2. In paragraph two of the Charges, the Department alleges that at all relevant times, respondent was employed as a registered nurse at Jewish Home for the Aged, New Haven, Connecticut.
3. In paragraph three of the Charges, the Department alleges that during February 2008, respondent abused or utilized to excess, controlled substances, including marijuana.
4. In paragraph four of the Charges, the Department alleges that respondent's abuse of controlled substances does, and/or may, affect her practice as a registered nurse.
5. In paragraph five of the Charges, the Department alleges that that 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)(5).

*Second Count*

6. In paragraph seven of the Charges, the Department alleges that on October 3, 2006, the Connecticut Board of Examiners for Nursing ordered a Consent Order in Petition Number 2006-1124-010-104 that placed respondent's registered nurse nursing license on probation for a period of four years. Such disciplinary action was based upon respondent's admitted diversions of controlled substances, and falsification of entries in patient charts.
7. In paragraph eight of the Charges, the Department alleges that said Order specifically provided that respondent abstain from using drugs unless prescribed or recommended for a legitimate therapeutic purpose by a licensed health care professional, and that she provide employer reports documenting her ability to safely and competently practice nursing.
8. In paragraph nine of the Charges, the Department alleges that said Consent Order specifically provided that respondent's urine screens be negative for the presence of drugs and alcohol.
9. In paragraph ten of the Charges, the Department alleges that during February 2008, respondent used marijuana.

10. In paragraph eleven of the Charges, the Department alleges that during March 2008 the Department received notification that respondent's urine screen tested positive for cannabinoids.
11. In paragraph twelve of the Charges, the Department alleges that during March 2008, respondent's employment at the Jewish Home for the Aged was terminated due to employment issues.
12. In paragraph thirteen 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 Consent Order, and subjects respondent's license to revocation or other disciplinary action authorized by the General Statutes of Connecticut, §§19a-17 and 20-99(b).

### ***Findings of Fact***

1. The Department provided respondent with reasonable and adequate written notice of the allegations contained in the charges. Dept. Exh. 2.
2. Respondent did not file an Answer to the Charges or deny the allegations. Tr., p. 6.
3. The allegations contained in the charges are deemed admitted. Tr., p. 6.

### ***Discussion and Conclusions of Law***

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

Respondent held a valid licensed 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. *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).

Respondent did not submit an Answer to the Statement of Charges. Pursuant to § 19a-8-20 of the Regulations of Connecticut State Agencies, the Board deems the allegations in paragraphs 1 thru 13 of the Statement of Charges to be admitted.

§ 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 . . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . .

The Board concludes that respondent's conduct as alleged in all the paragraphs of the Charges and deemed admitted constitutes grounds for disciplinary action pursuant to §§ 20-99(b)(2) and (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, with respect to license number E55534 held by Tracy Shugrue, as follows:

Respondent's license number E55534 to practice as a registered nurse in the State of Connecticut is hereby revoked effective the date this Memorandum of Decision is signed by the Board.

Dated at Hartford, Connecticut this 20th day of August, 2008.

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Bufford

**CERTIFICATION**

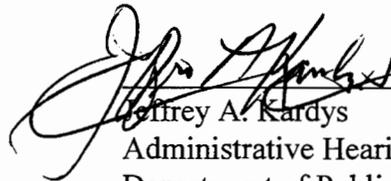
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 21st day of August 2008, by certified mail, return receipt requested and first class mail, to:

Tracy Shugrue, RN  
90 Knoll Street  
Waterbury, CT 06705

Certified Mail RRR #91 7108 2133 3932 0551 0102

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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