



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING SECTION

June 7, 2012

Lisa M. Engengro
7 Mill Plain Road, Apt. 104
Branford, CT 06405

Certified Mail 91-7108-2133-3936-6420-2846

Matthew Antonetti, Principal Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

Via Email

RE: Lisa M. Engengro, RN- Petition No. 2011-572

Dear Ms. Engengro and Attorney Antonetti:

Enclosed please find a copy of the Memorandum of Decision issued by the **Board of Examiners for Nursing** in the above-referenced matter.

Sincerely,

Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Public Health Hearing Section

c: Wendy Furniss, Branch Chief, Healthcare Systems
Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations
Lynn A. Rioux, Paralegal Specialist II, Office of the Attorney General

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

Lisa Engengro, R.N.
License No. E59373

Petition No. 2011-572

MEMORANDUM OF DECISION

Procedural Background

On November 25, 2011, the Department of Public Health ("the Department") filed a Motion for Summary Suspension ("the Motion") and a Statement of Charges with the Board of Examiners for Nursing ("the Board"). Bd. Exh. 2, and Dept. Ex. 1.. The Charges allege violations of certain provisions of Chapter 378 of the General Statutes ("the Statutes") by Lisa Engengro, R.N. ("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 Statement of 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 December 7, 2011, 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 Statement of Charges ("the Order"). Bd. Exhs. 1, 2.

On December 7, 2011, the Statement of Charges, the Order and a Notice of Hearing were sent to respondent by certified and first class mail to 7 Mill Plain Road, Apt. 104, Branford, CT 06405-2725, which is respondent's address of record. Bd. Exh. 3. In addition to respondent's address of record, a state marshal also attempted to deliver the Statement of Charges, the Order and Notice of Hearing to respondent at the following addresses: 1172 Townsend Avenue, #3, New Haven, CT 06512-1931 and 1144 Townsend Avenue, New Haven, CT 06512-1931, addresses which were obtained from a LexisNexis on-line search. Bd. Exh. 4.

On December 15, 2011, the state marshal reported that the apartment on 7 Mill Plain Road, Branford, CT was vacant and respondent was not at either of the two addresses on Townsend Avenue, New Haven, CT. Bd. Exh. 5 (under seal).

A hearing was held on December 21, 2011. Respondent did not appear at the hearing and was not represented by an attorney. Tr. 12/21/11, p. 2. Attorney Joelle Newton

represented the Department. Because the Board was concerned that respondent was not located at any of the three addresses the Department had obtained, the Board continued respondent's hearing to ensure that respondent had received actual notice of the hearing or to ensure that all reasonable efforts had been made to provide respondent with notice of the hearing. Tr. 12/21/11, pp. 6-7, 9-10.

On January 18, 2012, a second day of hearing was held. Respondent again failed to appear at the hearing and was not represented by an attorney. Attorney Newton represented the Department. For the record, Attorney Newton also stated that she had spoken on the telephone with respondent on January 3, 2012 and that respondent gave Attorney Newton her current home address which is 1423 Quinnipiac Road, New Haven, CT 06513. According to Attorney Newton, respondent informed her that the mail delivered to the Branford address was forwarded to her current address and that she had received notice of the hearing. Tr. 1/18/12, pp. 2-6.

Respondent did not file an Answer to the Charges. Tr. 1/18/12, p. 10.

On January 18, 2012, the Department, through its counsel, Attorney Newton, moved to Deem the Allegations Admitted ("the Motion") pursuant to §19a-9-20 of the Regulations of Connecticut State Agencies ("the Regulations"). On the record and upon sufficient proof of service on respondent, the Motion was granted. Tr. 1/18/12, pp. 4-6, 9, 11-12.

Also, during the hearing, Attorney Newton orally moved to amend the Statement of Charges ("the Charges") to correct a typographical error and change the reference of the probationary period from four years to three years. The motion to amend the Charges was also granted. Tr. 1/18/12, pp. 12-13.

Following the close of the record on January 18, 2012, 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 paragraph one of the Charges, the Department alleges that Lisa Engengro of Branford, CT is, and has been at all times referenced in the Charges, the holder of Connecticut registered nurse license number E59373.

2. In paragraph two of the Charges, the Department alleges that on or about April 6, 2011, the Board ordered a Consent Order placing respondent's registered nurse license on probation for a period of three years.
3. In paragraph three of the Charges, the Department alleges that the Consent Order required respondent to provide the Department with employer and therapy reports and to submit random urine screens.
4. In paragraph four of the Charges, the Department alleges that to date, respondent has failed to provide the Department with employer and therapy reports and/or submit random urine screens.
5. In paragraph five of the Charges, the Department alleges that the above facts constitute 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 §§ 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. 1/18/12, p. 6.
2. Respondent failed to appear at either of the hearing dates and did not request a continuance. Tr. 12/21/11, p. 2; Tr. 1/18/12, p 2.
3. Respondent did not file an Answer to the Charges. Tr. 1/18/12, p. 10.
4. All of the allegations contained in the Charges, as set forth above, are deemed admitted and true. Tr. 1/18/12, pp. 11-12.

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); and *Steadman v. SEC*, 450 U.S. 91, 101 S. Ct. 999, *reh'g den.*, 451 U.S. 933 (1981).

Since respondent did not file an Answer, the allegations are deemed admitted. §19a-9-20 of the Regulations. In addition to the allegations deemed admitted, a preponderance of the evidence establishes that revocation of respondent's license is warranted. In April 2011, her license was placed on probation for three years, pursuant to a Consent Order as a result of diverting Risperidone, Seroquel, and Abilify from her place of employment. Dept. Exh. 1,p. 8. This Consent Order required respondent to provide the Department with employer and

therapy reports and to submit random urine screens. Dept. Exh. 1, pp. 8-15. To date, she has failed to comply with the terms of this Consent Order. Tr. 1/18/12, p. 13.

Pursuant to paragraph number four of the Consent Order, “[a]ny 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 licensing following notice and an opportunity to be heard.” Dept. Exh. 1, p. 13. As discussed above, respondent has violated the terms of this Consent Order by her failure to submit to the Department the required reports and random urine screens. Therefore, revocation of respondent’s nursing license is warranted.

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 E59373 to practice as a R. N. in the State of Connecticut is hereby revoked.

The Board of Examiners for Nursing hereby informs respondent, Lisa Engengro, 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 6th day of June, 2012.

BOARD OF EXAMINERS FOR NURSING

By Patricia C Bouffard
Patricia Bouffard, R.N., Chairperson

CERTIFICATION

I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 7th day of June 2012, by certified mail, return receipt requested and first class mail to:

Lisa M. Engengro
7 Mill Plain Road, Apt. 104
Branford, CT 06405

Certified Mail 91-7108-2133-3936-6420-2846

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
Administrative Hearings Specialist/Board Liaison
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