



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING OFFICE

November 7, 2013

Eileen Hartman  
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E-mail

RE: Eileen Hartman, RN

Petition No. 2012-834

Dear Ms. Hartman 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,

Janice E. Wojick, Administrative Assistant, Board Liaison  
Public Health Hearing Office

- c: Lynn A. Rioux, Paralegal Specialist II, Office of the Attorney General
- Wendy H. Furniss, Branch Chief, Healthcare Quality and Safety, DPH
- Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations, DPH
- Kathleen Boulware, Public Health Services Manager, DPH
- David Tilles, Staff Attorney, Licensure Regulation and Compliance, DPH

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

Eileen Hartman, R. N.  
License No. R51507

Petition No. 2012-834

**MEMORANDUM OF DECISION**

**I**

*Procedural Background*

On March 19, 2013, the Department of Public Health ("Department") filed a Statement of Charges ("Charges") with the Board of Examiners for Nursing ("Board"). Board ("Bd.") Exhibit ("Ex.") 1. The Charges allege violations of Chapter 378 of the General Statutes of Connecticut ("Statutes" or "Conn. Gen. Stat.") by Eileen Hartman ("Respondent"), which would subject Respondent's registered nurse ("R.N.") license to disciplinary action pursuant to Conn. Gen. Stat. §§ 19a-17 and 20-99(b).

On April 3, 2013, the Department filed a Motion for Summary Suspension ("Motion") with the Board. Based on the allegations in the Charges, the Board found that Respondent's continued nursing practice presented a clear and immediate danger to public health and safety and ordered, on April 3, 2013, pursuant to Conn. Gen. Stat. §§ 4-182(c) and 19a-17(c), that Respondent's R.N. license be summarily suspended pending a final determination by the Board of the allegations contained in the Charges ("Summary Suspension Order"). Bd. Ex. 2.

On April 3, 2013, the Summary Suspension Order, Charges and a Notice of Hearing ("Notice") were sent to Respondent by certified and first class mail. Bd. Ex. 2. The hearing was scheduled for April 17, 2013. Bd. Ex. 3.

On April 17, 2013, Respondent was not present at the hearing and was not represented by legal counsel. Attorney David Tilles represented the Department. Attorney Tilles informed the Board that Respondent had contacted him the previous week and indicated that she had received the Notice and its attachments. Attorney Tilles stated that she asked him how to request a continuance of the hearing. Transcript ("Tr.") 4/17/13, p. 3. Nonetheless, Respondent did not request a continuance of the hearing and there was no written documentation of Respondent's receipt of service of the Notice. The Board kept the record open and continued the hearing until it was confirmed that Respondent was served with the Notice. Tr. 4/17/13, pp. 3-6.

On April 19, 2013, a letter rescheduling the hearing to June 5, 2013, was sent to Respondent via certified and first class mail. Bd. Ex. 4. On April 22, 2013, the certified and first class mail was delivered to Respondent. Bd. Ex. 4, p. 2.

On June 5, 2013, Respondent requested a continuance of the hearing, which the Board granted. The hearing was continued until July 17, 2013. Bd. Ex. 6.

On July 16, 2013, Respondent requested another continuance of the hearing. The Board granted Respondent's request (Bd. Ex. 7), despite the Department's objections that were filed on August 19, 2013. Bd. Ex. 8. The hearing was continued until August 21, 2013. Bd. Ex. 7.

The second day of the hearing was held on August 21, 2013. Respondent was present and was not represented by an attorney. Attorney David Tilles represented the Department.

Respondent orally answered the Charges on the record. Tr. 8/21/13, pp. 6-7.

Following the close of the record, the Board conducted fact finding.

Each member of the Board involved in this decision attests that 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. *Pet v. Department of Health Services*, 228 Conn. 651 (1994).

## II

### *Allegations*

1. In paragraphs 1 and 4 of the Charges, the Department alleges that Respondent of Falmouth, Massachusetts is, and has been at all times, as referenced in the Charges, the holder of Connecticut R.N. license number R51507.

#### *Count One*

2. In paragraph 2 of the Charges, the Department alleges that on or about December 3, 2011, the Massachusetts Board of Registration in Nursing ("Massachusetts Board") suspended Respondent's Massachusetts license to practice as a R.N.
3. In paragraph 3 of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. § 19a-17(f) and Conn. Gen. Stat. § 20-99, including, but not limited to, and 20-99(b).

*Count Two*

4. In paragraph 5 of the Charges, the Department alleges that at various times in the years 2010, 2011, and/or 2012, Respondent abused or utilized to excess alcohol.
5. In paragraph 6 of the Charges, the Department alleges that Respondent's abuse and/or excessive use of alcohol does and/or may affect her practice as a R.N.
6. In paragraph 7 of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. § 20-99(b)(5).

**III**

*Findings of Fact*

1. Respondent of Falmouth, Massachusetts, is, and has been at all times, as referenced in the Charges, the holder of Connecticut R.N. license number R51507. Tr. 8/21/13, p. 6.

*Count One*

2. On or about December 3, 2011, the Massachusetts Board suspended Respondent's Massachusetts license to practice as a R.N. for a minimum of three years. Dept. Ex. 1, p. 2; Tr. 8/21/13, p. 6.

*Count Two*

3. At various times in the years 2010, 2011, and 2012, Respondent abused or utilized alcohol to excess. Dept. Ex. 2, pp. 2-5; Tr. 8/21/13, p. 7.
4. On June 12, 2012, Respondent admitted to an agent of the Drug Control Division of the Department of Consumer Protection that she "had an alcohol problem." Respondent began residential treatment for alcoholism in January, 2012. Dept. Ex. 2, p. 3; Dept. Ex. 4, pp. 1-2; Tr. 8/21/13, pp. 18-19, 21-22.
5. On December 14, 2012, Respondent informed a Department investigator that she was arrested several times in Massachusetts for driving under the influence ("DUI"). Subsequently, Respondent was placed on probation for two years and ordered to enter a mandatory 30 day treatment facility for her alcohol addiction. Dept. Ex. 3, p. 1; Tr. 8/21/13, p. 41 (under seal).
6. In February 2014, Respondent's probation for DUI will end. Tr. 8/21/13, p. 41 (under seal).
7. A report from the Winchester, CT Police Department included a police officer's interview, on November 21, 2011, with Respondent's spouse. Respondent's spouse, an

- emergency physician, confirmed Respondent's addiction to alcohol. Dept. Ex. 4, p. 8.
8. Respondent was in residential treatment voluntarily for one year. Tr. 8/21/13, p. 22.
  9. Since 2012, Respondent has suffered several relapses. She has entered into residential treatment and has sought the support of an Alcoholics Anonymous ("AA") sponsor. Tr. 8/21/13, pp. 21-22, 26- 27; 31-36 (under seal).
  10. Respondent was under the care of a therapist for alcohol addiction until the therapist retired in July 2013. Tr. 8/21/13, p. 32 (under seal).
  11. Respondent has not been in psychiatric treatment for her alcohol addiction since 2010. Tr. 8/21/13, pp. 34-35 (under seal).
  12. Respondent has not worked as a nurse since 2008. Dept. Ex. 2, pp. 3, 5; Dept. Ex. 4, p. 2; Tr. 8/21/13, p. 32 (under seal).
  13. Respondent provided no treatment records or urine screens regarding her treatment for alcoholism and/or her recovery and she refused to give written permission to the Department to obtain such reports. Dept. Ex. 2, pp. 4-5; Dept. Ex. 3; Tr. 8/21/13, pp. 12, 25 (under seal).
  14. Respondent's abuse and/or excessive use of alcohol may affect her practice as a R.N. Dept. Ex. 2, pp. 3-5; Dept. Ex. 4, pp. 1-2, 7, 9; Tr. 8/21/13, pp. 21-22, 26- 27; 31-36 (under seal).

#### IV

#### *Discussion and Conclusions of Law*

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Jones v. Connecticut Medical Examining Board*, 309 Conn. 727 (2013). The Department sustained its burden of proof with regard to all of the allegations contained in the Charges.

Conn Gen. Stat. § 19a-17 provides, in pertinent part, that:

(f) Such board . . . may take disciplinary action against a practitioner's license or permit as a result of the practitioner having been subject to disciplinary action . . . by a duly authorized professional disciplinary agency of any state . . . .

Conn. Gen. Stat. § 20-99 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, . . . ;

In addition to Respondent's admissions to the Charges, the Department entered into the record investigative reports which were marked and entered into the record as Dept. Ex. 1-4. Tr. 8/21/13, pp. 9-11. The investigative reports were entered into the record as business record exceptions to the hearsay rule and were found to have sufficient indicia of reliability to be given substantial weight. *Dolgnier v. Jon M. Alander, Commissioner of Human Resources*, 237 Conn. 272, 676 A.2d 865 (1996). Respondent also testified in her own defense.

With respect to paragraphs 1, 2, 4, and 5 of the Charges, Respondent admits all of the allegations therein. Findings of Fact ("FF") 1-3.

With regard to paragraph 6 of the Charges, the Department established by a preponderance of the evidence that Respondent's abuse and/or excessive use of alcohol does and/or may affect her practice as a R.N. Although Respondent denies the allegation (Tr. 8/21/13, p. 7), she testified that alcohol "has been a big problem [for her] and has caused a lot of problems." Tr. 8/21/13, p. 18. Respondent has suffered several relapses since 2012 and is not currently under the care of a psychiatrist for her alcohol addiction. FF 9-11. Additionally, Respondent refused to assist the Department to obtain her alcoholism treatment records and she did not provide such records for the Board's consideration and review. FF 13. The Department sustained its burden of proof with respect to the allegation set forth in paragraph 6 of the Charges.

Regarding paragraphs 3 and 7 of the Charges, the Department sustained its burden of proof. The admitted conduct renders Respondent's license subject to sanctions, including among others, revocation. Under Conn. Gen. Stat. § 19a-17(f), the Board can discipline the license of a nurse that has been disciplined by another state. Additionally, under Conn. Gen. Stat. § 20-99(b)(5), the Board can discipline the license of a nurse who "fails to conform to the accepted

standards of practice of the nursing profession, including, but not limited to, the following: . . . abuse or excessive use of drugs, including alcohol, narcotics or chemicals.”

Based on the foregoing, the Board finds that the Department has established that the Massachusetts Board suspended Respondent’s Massachusetts license to practice as a R.N. for a minimum of three years. FF 2. The Department also established, and Respondent admitted, that at various times in 2010, 2011, and 2012, she abused or utilized alcohol to excess. FF 3-4. During those years, Respondent was arrested and sentenced for DUI in Massachusetts, placed on probation for two years, and ordered into treatment for alcoholism. FF 5-6.

Due to Respondent’s failure to produce any treatment records to substantiate her recovery and sobriety, there are no assurances that Respondent can practice nursing competently and safely. Respondent’s oral assurances to the Board do not suffice. Tr. 8/21/13, p. 44 (under seal).

Thus, the Board concludes that Respondent’s conduct as described above constitutes grounds for disciplinary action pursuant to Conn. Gen. Stat. § 20-99(b)(5) and 19a-17(f). In light of the nature of Respondent’s misconduct, revocation of her license is an appropriate remedy.

V

*Order*

Based on the record in this case, the above findings of fact and conclusions of law, the Board hereby orders, that license number R51507 held by Eileen Hartman to practice as a R.N. in the State of Connecticut is hereby REVOKED.

This Memorandum of Decision becomes effective on the date signed by the Board.

The Board hereby informs Respondent, Eileen Hartman, and the Department of this decision.

Dated at Hartford, Connecticut this 6<sup>th</sup> day of November 2013.

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Bouffard, D.N.Sc.  
Patricia C. Bouffard, D.N.Sc., Chair

**CERTIFICATION**

I hereby certify that, pursuant to Connecticut General Statutes Section 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 7<sup>th</sup> day of November 2013, certified mail return receipt requested and first class mail to:

Eileen Hartman  
P. O. Box 77  
Falmouth MA 02541

*and E-Mail to:*

Matthew Antonetti, Principal Attorney  
Licensure Regulation and Compliance  
Department of Public Health – MS#12LEG  
410 Capitol Avenue  
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Janice E. Wojick, Hearings Liaison