

Judith Boughton
91 Stevens Street
East Haven, CT 06512

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

State of Connecticut
Department of Public Health

vs.

Judith Boughton, LPN
Licensed Practical Nurse License No. 012855
Respondent.

CASE PETITION NO. 990517-011-011

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 May 28, 1999. Dept. Exh. 2. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Judith Boughton (hereinafter "respondent") which would subject respondent's Licensed Practical Nurse License to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued practice of nursing by respondent presented a clear and immediate danger to public health and safety. On June 2, 1999, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Licensed Practical Nurse License of respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 2.

The Board issued a Notice of Hearing dated June 2, 1999, scheduling a hearing for June 16, 1999. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 1 indicates that the Summary Suspension Order, Notice of Hearing and Statement of Charges were delivered by certified mail to respondent on June 9, 1999.

The hearing took place on June 16, 1999, at the Wethersfield Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Tr., June 16, 1999, p. 2.

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.

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 Licensed Practical Nurse Number 012855 on December 29, 1972. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 2-C.
2. Pursuant to a Memorandum of Decision dated March 5, 1997, respondent's licensed practical nurse was placed on probation for a period of four years effective March 15, 1997. The Order was issued as a result of respondent obtaining controlled substances by use of fraudulent prescriptions and for abuse and excessive use of controlled substances. Dept. Exh. 2-B.
3. Probation of the respondent's licensed practical nurse license required respondent to submit to random screening for alcohol and drugs, to engage in therapy and counseling for chemical dependency and to cause monthly therapist reports to be submitted to the Board and the Department of Public Health. Dept. Exh. 2-B.
4. Beginning in August 1998, respondent failed to submit to random alcohol/drug screening as required by the Memorandum of Decision dated March 5, 1997. Dept. Exh. 2-A.
5. Since September 1998, respondent has not engaged in therapy as required by the Memorandum of Decision dated March 5, 1997. Therefore, therapist reports have not been submitted to the Department of Public Health. Dept. Exh. 2-A.

Conclusions of Law and Discussion

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

Judith Boughton held a valid Licensed Practical 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 the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut 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 the General Statutes of Connecticut §4-182(c).

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

The Statement of Charges alleges respondent has violated the terms of probation as set forth in the Memorandum of Decision dated March 5, 1997 in that respondent has not submitted to alcohol/drug screening since August 1998 and has not caused therapist reports to be submitted to the Department of Public Health since September 1998.

Respondent did not file an answer to the Statement of Charges. Pursuant to §19-9-20 of the Regulations of Connecticut State Agencies the Board deems the charges in the Statement of Charges to be admitted.

Based on its findings, the Board concludes that the Department has met its burden of proof by a preponderance of the evidence presented in this matter. The Board concludes that respondent's conduct as alleged in the Statement of Charges constitutes a violation of her probation as set forth in the Memorandum of Decision dated March 5, 1997. Therefore, respondent's licensed practical nurse is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

Order

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

Respondent's licensed practical nurse license, No. 012855, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

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

Dated at Hartford, Connecticut this 1st day of September, 1999.

BOARD OF EXAMINERS FOR NURSING

By  _____

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CERTIFICATION

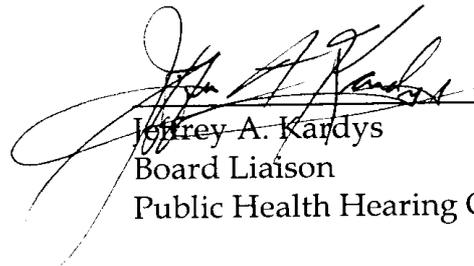
I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 2nd day of September 1999, by certified mail, return receipt requested, and first class mail to:

Judith Boughton
91 Stevens Street
East Haven, CT 06512

Certified Mail RRR #P505288679

and by inter-departmental mail to:

David Tilles, Staff Attorney
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134


Jeffrey A. Kardys
Board Liaison
Public Health Hearing Office