

11-013445



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

July 6, 2007

William LaCourse, LPN
873 West Blvd.
Apt. #413
Hartford, CT 06105

Re: Memorandum of Decision
Petition No. 2004-0817-011-017
License No. 013445

Dear Mr. LaCourse:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective June 1, 2007.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Thank you for your cooperation in this process, and good luck to you in the future.

Very truly yours,

Bonnie Pinkerton, RN, Nurse Consultant
Practitioner Licensing and Investigations Section

cc: J. Filippone
J. Wojick



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

Department of Public Health

Petition No. 2004-0817-011-017

vs.

William LaCourse, LPN, Lic. No. 013445
Respondent

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 January 4, 2005. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by William LaCourse (hereinafter "respondent") which would subject respondent's licensed practical nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On January 19, 2005, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent's licensed practical nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated January 19, 2005, scheduling a hearing for February 2, 2005. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against him. The Notice of Hearing and Statement of Charges were delivered by certified mail to respondent. Dept. Exh. 1.

The hearing scheduled for February 2, 2005 was continued at respondent's request. The hearing was rescheduled and took place on July 20, 2005, in Room 1-B, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Dept. Exhs. 2 and 3.

Respondent was present during the hearing but was not represented by counsel. Transcript, July 20, 2005, pp. 2-3, Dept. Exh. 15.

During the hearing respondent orally answered the Statement of Charges. Transcript, pp. 15-16.

At the conclusion of the hearing, the Board ordered that the Summary Suspension of respondent's licensed practical nurse license be vacated.

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 license number 013445 on March 21, 1973. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 14; Transcript, p. 15.
2. From approximately March 1985 to May 15, 2003, respondent was employed as a licensed practical nurse at Park Place Health Center, Hartford, Connecticut. Transcript, p. 15
3. From approximately 1998 to May 2003 respondent has abused and/or excessively used alcohol. Transcript, p. 15.
4. In 1998 and 2003, respondent was arrested for driving while intoxicated. Transcript, p. 15.
5. On or about August 3, 1998, June 24, 2003 and February 11, 2004, respondent's driver's license was suspended for operating a motor vehicle while under the influence of alcohol; refusal to undergo chemical alcohol testing, and operating a vehicle without a valid license or registration. Transcript, pp. 15-16.
6. On or about August 24, 2003, respondent was arrested at his home by the Avon Connecticut Police Department for evading responsibility. At the time of his arrest respondent was found sitting in his car, in his garage with the engine running. Respondent was observed to be heavily intoxicated. Respondent was transported to a John Dempsey Hospital under an emergency committal status following an apparent suicide attempt by carbon monoxide poisoning. Dept. Exh. 12 (under seal); Transcript, p. 16.
7. Following the August 25, 2003 to September 3, 2003 hospitalization at John Dempsey Hospital, respondent was referred to the Institute of Living, Hartford, Connecticut for further treatment in the Adult Day Treatment Program. Respondent was discharged from the adult treatment program on October 30, 2003. Dept. Exhs. 6 (under seal); 8 (under seal).
8. From approximately January 7, 2004 to June 4, 2004, respondent was incarcerated for operating a motor vehicle while under the influence of liquor or drugs. Transcript, p. 16.
9. Respondent suffers from psychiatric conditions including depression, bi-polar disorder, borderline personality disorder, eating disorder, and social phobia. Dept. Exh. 8 (under seal); Transcript, p. 16.
10. On January 26 and 31, 2005 respondent underwent a psychological evaluation with plans to continue weekly therapy for depression. It was the opinion of the evaluator that respondent is capable of performing his duties as a nurse. Dept. Exh. 5 (under seal).

11. Respondent testified he is under the care of a physician for control of his depression and bipolar disorder. Transcript, pp. 30-31.

Conclusions of Law and Discussion

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

William LaCourse 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 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 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 his license as required by Conn. Gen. Stat. § 4-182(c).

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

The **FIRST COUNT PARAGRAPH 2** of the Statement of Charges alleges respondent was employed as a licensed practical nurse at Park Place Health Center, Hartford, Connecticut, from approximately March 1985 to May 15, 2003.

The **FIRST COUNT PARAGRAPH 3** of the Statement of Charges alleges during at least 1998 and 2003, respondent abused or utilized to excess alcohol.

The **FIRST COUNT PARAGRAPH 4** of the Statement of Charges alleges respondent was arrested for DWI in approximately 1998 and May 2003.

The **FIRST COUNT PARAGRAPH 5** of the Statement of Charges alleges on or about August 24, 2003, respondent was arrested at his home by the Avon Police Department for evading responsibility after an automobile collision. Respondent was found to be heavily intoxicated in his garage with the vehicle running, and was taken to John Dempsey Hospital under an emergency committal status following a suicide attempt via carbon monoxide poisoning.

The **FIRST COUNT PARAGRAPH 6** of the Statement of Charges alleges respondent's driver's license was suspended on August 3, 1998, June 24, 2003 and February 11, 2004, for operating a vehicle while under the influence of liquor, refusal to undergo a chemical alcohol test, failing a chemical alcohol test and operating a vehicle without a valid license or registration.

The **FIRST COUNT PARAGRAPH 7** of the Statement of Charges alleges from approximately January 7, 2004 to June 4, 2004, respondent was incarcerated at Webster Correctional Institution for operating a motor vehicle under the influence of liquor or drugs.

The **FIRST COUNT PARAGRAPH 8** of the Statement of Charges alleges respondent's abuse of alcohol does, and/or may, affect his practice as a licensed practical nurse.

Respondent admits paragraphs 2, 3, 4, 5, 6, and 7 of the First Count but denies paragraph 8. Transcript, July 20, 2005, pp. 15-16.

The **SECOND COUNT PARAGRAPH 11** of the Statement of Charges alleges Respondent suffers from psychiatric conditions including depression, bipolar disorder, borderline personality disorder, eating disorder, and social phobia.

The **SECOND COUNT PARAGRAPH 12** of the Statement of Charges alleges from approximately August 25, 2003 to September 3, 2003, respondent was admitted to John Dempsey Hospital following a suicide attempt and referred to the Adult Day Treatment Program at the Institute of Living from September 17, 2003 to October 30, 2003.

Respondent admits paragraphs 11 and 12 of the Second Count. Transcript, July 20, 2005 , p. 16.

The General Statutes of Connecticut § 20-99 provides in relevant part:

(a) The Board of Examiners for Nursing 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 ... (4) emotional disorder or mental illness; (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals ...

Based on its findings, the Board concludes that respondent's conduct as alleged in the First Count and the Second Count of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 20-99 and 19a-17.

Although no evidence was presented that respondent was intoxicated while on duty as a licensed practical nurse, the Board concludes that if respondent's abuse of alcohol is untreated it may affect his future practice as a licensed practical nurse.

Although there is a finding, that respondent suffers from an emotional or mental illness, no evidence was presented that said illness has affected respondent's practice as a licensed practical nurse. Therefore, the Board will not impose sanctions regarding the second count.

Order

Pursuant to its authority under Conn. Gen. Stat. §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

1. That for the First Count of the Statement of Charges, respondent's licensed practical nurse license number 013445, is placed on probation until June 1, 2007.
2. If any of the following conditions of probation are not met, respondent's licensed practical nurse license may be subject to disciplinary action pursuant to § 19a-17 of the General Statutes of Connecticut.
 - A. During the period of probation the Board shall pre-approve respondent's employment and/or change of employment within the nursing profession.

Respondent shall not be employed as a nurse for a personnel provider service, assisted living services agency, homemaker-home health aide agency, or home health care agency, and shall not be self-employed as a nurse for the period of probation.
 - B. Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
 - C. If employed as a nurse, respondent shall cause monthly employer reports to be submitted to the Board, by his immediate supervisor during the entire probationary period.
 - D. The employer reports cited in Paragraph C above shall include documentation of respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph K below.
 - E. Should respondent's employment as a nurse be involuntarily terminated or suspended, respondent and his employer shall notify the Board within seventy-two (72) hours of such termination or suspension.
 - F. If respondent pursues further training in any subject area that is regulated by the Department, respondent shall provide a copy of this Memorandum of Decision to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department in writing as to receipt of a copy of this Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph K below.
 - G. (1) At his expense, respondent shall be responsible for submitting to observed random chain of custody urine screens and/or breathalyzer tests for alcohol for the

entire probationary period, at a testing facility approved by the Board, after consultation with the Department, as ordered by his therapist, and/or personal physician, and/or employer. Alcohol screening may also be ordered by the Board to ensure compliance with this Order. Random alcohol screens shall be legally defensible in that specimen donor and chain of custody can be identified throughout the screening process.

(2) Respondent shall be responsible for notifying the laboratory, the Board, the Department of any drug(s) he is taking. For any prescription of a controlled substance(s) for more than two consecutive weeks, the respondent shall cause the provider prescribing the controlled substance(s) to submit quarterly reports to the Board and the Department until such time as the controlled substance(s) are no longer prescribed. The reports shall include the following:

1. A list of controlled substances prescribed by this provider for the respondent;
2. A list of controlled substance(s) prescribed by other providers;
3. An evaluation of the respondent's need for the controlled substance;
4. An assessment of the respondent's continued need for the controlled substance(s).

(3) There must be at least one (1) such random urine screen and/or breathalyzer test for alcohol monthly during the entire probationary period.

(4) Random urine screens and/or breathalyzer tests shall be negative for the presence of alcohol. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

(5) Laboratory reports of random alcohol screens shall be submitted directly to the Board and the Department, at the address cited in Paragraph K below, by respondent's therapist, personal physician or the testing laboratory.

- H. Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for him, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications. Respondent shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.
- I. Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine and that the ingestion of mouthwash may produce a positive result indicating the presence of alcohol. For that reason, any food substance containing poppy seeds, and mouthwash should be avoided during the probationary period. In the event that a

