

STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

**Sharon Lessard, L.P.N.**

Licensed Practical Nurse No. 013706

59 Old Post Road

Victoria Manor, CR-1

Clinton CT 06413

CASE PETITION NO. 940810-11-039

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services (hereinafter the "Department") with a Statement of Charges and a Motion for Summary Suspension dated September 2, 1994 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Sharon Lessard (hereinafter the "Respondent").

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent represented a clear and immediate danger to public health and safety. On September 8, 1994, the Board ordered, pursuant to its authority under §19a-17(c) of the General Statutes of Connecticut, that the licensed practical nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges (Department Exhibit 1).

The Board issued a Notice of Hearing dated September 8, 1994 scheduling a hearing for September 21, 1994 (Department Exhibit 1). The hearing was continued at the Respondent's request (Hearing Transcript, September 21, 1994) and took place on February 22, 1995 at the Department of Public Health and Addiction Services, Second Floor Hearing Room, 20 Trinity Street, Hartford, Connecticut.

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 and the Board's professional knowledge in evaluating the evidence.

### FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Sharon Lessard, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 013706 on November 13, 1973. Said license was suspended effective January 15, 1981 and was reinstated on June 23, 1983. The Respondent was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1-C, 1-F)
2. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, February 22, 1995, p. 2)
3. During the hearing the Respondent provided a written answer to the Statement of Charges. (Respondent's Exhibit A-1)
4. Pursuant to a Consent Order dated April 15, 1993 the licensed practical nurse license of the Respondent was placed on probation for a period of three (3) years due to the diversion of Meperidine from Lawrence & Memorial Hospital, New London, Connecticut in 1992. (Department Exhibit 1-E)

5. A condition of probation of the Respondent's licensed practical nurse license required that the Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her for a legitimate medical purpose by a licensed health care practitioner.  
(Department Exhibit 1-E)
6. On July 30, 1994, while her licensed practical nurse license was subject to conditions of probation, and without prescriptions from a licensed health care practitioner, the Respondent ingested alcohol and self-administered a Morphine suppository. (Department Exhibit 1-B) (Hearing Transcript, February 22, 1995, p. 102) (Answer: Respondent's Exhibit A-1)
7. The Respondent suffers from Post Traumatic Stress Disorder. (Answer: Respondent's Exhibit A-1) (Respondent's Exhibit A-4, 5)
8. The Respondent has and continues to receive treatment and counseling for chemical dependency. (Respondent's Exhibit A-4, 6, 9)
9. The Respondent is being treated for Post Traumatic Stress Disorder. (Respondent's Exhibit A-4, 5)
10. The Respondent regularly participates in the support group Nurses for Nurses, Alcoholics Anonymous, and Narcotics Anonymous. (Respondent's Exhibit A-8) (Hearing Transcript, February 22, 1995, pp. 61-64)

#### DISCUSSION AND CONCLUSIONS

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

Sharon Lessard held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the 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 FIRST COUNT PARAGRAPH 2 of the Statement of Charges alleges that while licensed as a licensed practical nurse in the State of Connecticut, on or about July 30, 1994, the Respondent:

- "a. used alcohol; and/or;
- b. self administered a morphine suppository not prescribed for her by a licensed health care practitioner."

The Respondent admits these charges. (Answer: Respondent's Exhibit A-1)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on its findings and the Respondent's admission the Board concludes that the Respondent abused alcohol and Morphine on July 30, 1994. The Board concludes that the Respondent's conduct as specified in Paragraph 2 of the First Count is proven and that said conduct constitutes a violation of the General Statutes of Connecticut §20-99(b)(5). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut

The FIRST COUNT PARAGRAPH 3 of the Statement of Charges alleges while licensed as a licensed practical nurse in the State of Connecticut, the Respondent suffers from post traumatic stress disorder.

The Respondent admits this charge. (Answer: Respondent's Exhibit A-1)

The Board concludes that the Respondent suffers from post traumatic stress disorder, however, no evidence was presented that this condition, in and of itself, affects the Respondent's ability to practice

nursing with reasonable skill and safety. Therefore, the Board takes no action with regard to the Paragraph 3 of the First Count.

The SECOND COUNT of the Statement of Charges alleges that the Respondent, by ingesting alcohol and self-administering Morphine as specified in the First Count Paragraph 2, violated the terms of probation as set forth in the Consent Order dated April 15, 1993 in that she failed to refrain from use of "alcohol or any controlled substance unless it was prescribed for her for a legitimate therapeutic purpose."

The Respondent admits that the Respondent's conduct specified in the First Count Paragraph 2 represents a violation of the Consent Order dated April 15, 1993. (Answer: Respondent's Exhibit A-1)

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as specified in the Second Count is proven and constitutes a violation of the probation of the Respondent's licensed practical nurse license as set forth in the Consent Order dated April 15, 1993. Therefore, the Respondent 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:

1. That for the First Count and the Second Count the Respondent's licensed practical nurse license, No. 013706, is **suspended** for a period of one (1) year and placed on **concurrent probation** for a period of four (4) years.
2. If any of the following conditions of suspension and probation are not met, the Respondent's licensed practical nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

- A. The Respondent shall not work as a nurse during the one (1) year period of suspension.
- B. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period which follows the suspension. The Board shall be notified in writing by her employer(s), within thirty (30) days of the date of employment, as to receipt of a copy of this Memorandum of Decision.
- C. Should the Respondent change employment during the probationary period, she shall provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board, within thirty (30) days of the date of employment, as to receipt of a copy of this Memorandum of Decision.
- D. The Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency and shall not be self-employed as a nurse during the period of her probation.
- E. The Respondent shall not administer, count or have access to controlled substances or have responsibility for such activities in the course of nursing duties during the first year of employment as a nurse during the probationary period.
- F. The Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor, if employed as a nurse, for the entire probationary period.
- G. The employer reports cited in Paragraph F above shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be issued to the Board at the address cited in Paragraph Q below and shall commence with the report due on the first day of the month following her employment as a nurse.
- H. At her own expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist for the entire period of probation.

- I. The Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.
  
- J. The Respondent shall cause monthly therapy reports to be submitted to the Board by her therapist, commencing on August 1, 1995, for the entire probationary period.
  
- K. The therapist reports cited in Paragraph J above shall include documentation of dates of treatment, and an evaluation of the Respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be issued to the Board at the address cited in Paragraph Q below.
  
- L. At her own expense the Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by her therapist, and/or personal physician, and/or the Board of Examiners for Nursing. Said screens shall be legally defensible in that chain of custody procedures must be followed throughout the screening process. The Respondent shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she is taking. There must be at least one such random alcohol/drug screen monthly during the first and second years of the probationary period and at least twice monthly during the third and fourth years of the probationary period. Reports of said random alcohol/drug screens are due monthly commencing with reports due on August 1, 1995.

Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. 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 the chain of custody procedure has been followed.

Random alcohol/drug screens must include testing for the following substances:

- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (THC Metabolites)
- Cocaine
- Meperidine (Demerol)
- Methadone
- Methaqualone
- Opiates (Metabolites)
- Phencyclidine (PCP)
- Propoxyphene
- Ethanol (Alcohol)

Reports of random alcohol and drug screens shall be submitted directly to the Board, at the address cited in Paragraph Q below, by the Respondent's therapist or personal physician or the testing laboratory.

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

In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.

- O. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- P. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.

Q. All correspondence and reports are to be addressed to:

BOARD OF EXAMINERS FOR NURSING  
Department of Public Health and Addiction Services  
150 Washington Street  
Hartford CT 06106

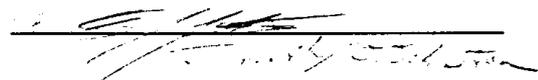
3. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order and will subject the Respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut including, but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to Respondent's address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health and Addiction Services or the Connecticut Board of Examiners for Nursing.)
  
4. This Memorandum of Decision becomes effective, and the one (1) year suspension with concurrent four (4) years probation of the Respondent's licensed practical nurse license shall commence, on July 1, 1995.

The Board of Examiners for Nursing hereby informs the Respondent, Sharon Lessard, and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 14th day of June, 1995.

BOARD OF EXAMINERS FOR NURSING

By



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