

Sharon Lessard
32 Meadow Point Road
Westbrook, CT 06498

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

State of Connecticut
Department of Public Health
vs.
Sharon Lessard, LPN
Licensed Practical Nurse License No. 013706
respondent.

CASE PETITION NO. 990720-011-018

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 August 11, 1999 (Dept. Exh. 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Sharon Lessard (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, 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 September 1, 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. 1.

The Board issued a Notice of Hearing dated September 1, 1999 scheduling a hearing for September 15, 1999. Dept. Exhs. 1 and 2.

The hearing took place on September 15, 1999, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Respondent was present during the hearing but was not represented by counsel. Transcript, September 15, 1999, p. 3.

Respondent orally answered the Statement of Charges. Transcript, September 15, 1999, pp. 11-13.

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 013706 on November 13, 1973. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-C. Transcript, September 15, 1999, p. 11; Answer.
2. Pursuant to a Memorandum of Decision dated January 8, 1981, respondent's Licensed Practical Nurse license was ordered suspended for a period of twenty-seven months for her diversion of the controlled substance Talwin during January 1980. Dept. Exh. 1-A2-A4.
3. Pursuant to a Consent Order dated April 15, 1993, respondent's Licensed Practical Nurse license was placed on probation for a period of three (3) years due to her diversion of the controlled substance Meperidine during 1992. Dept. Exh. 1-A5-A10.
4. Pursuant to a Memorandum of Decision dated June 14, 1995, respondent's Licensed Practical Nurse license was ordered suspended for one (1) year with concurrent four (4) years probation. Said Order resulted from her abuse of alcohol and the controlled substance Morphine and for violating the terms of probation set forth in the Consent Order dated April 15, 1993. Dept. Exh. 1-A11-A19.
5. A condition of probation of respondent's Licensed Practical Nurse license as set forth in the June 14, 1995 Memorandum of Decision, required respondent to submit to random alcohol/drug screening the results of which were to be negative for the presence of alcohol and drugs. Dept. Exh. 1-A17.
6. A urine specimen respondent submitted for testing on June 23, 1999, was confirmed positive for the presence of benzodiazepine metabolites. Dept. Exh. 1-A23.
7. Chain of custody was maintained during the testing process of the urine specimen submitted by respondent on June 23, 1999. Dept. Exh. 1-A26-27.

Conclusions of Law and Discussion

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 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 that while subject to probation of her Licensed Practical Nurse license, as set forth in a Memorandum of Decision dated June 14, 1995, respondent violated the terms of said probation in that on June 23, 1999, respondent tested positive for benzodiazepines.

Respondent denies this allegation. Transcript, September 15, 1999, p. 13.

Based on its findings, the Board concludes that respondent's conduct as alleged in the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes a violation of the probation of her Licensed Practical Nurse license as set forth in a Memorandum of Decision dated June 14, 1995. Therefore, respondent's Licensed Practical Nurse license 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:

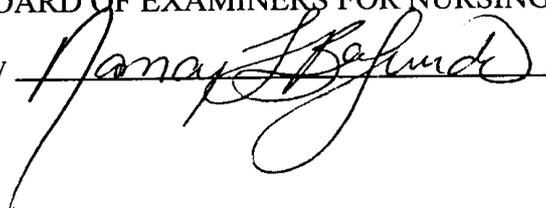
Respondent's Licensed Practical Nurse license, 013706, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

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

Dated at Hartford, Connecticut this 15th day of December, 1999.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, appearing to read "Nancy J. Beland", is written over a horizontal line.