

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

Department of Public Health

Petition No. 2004-0720-011-015

vs.

Audrey Howell, LPN, Lic. No. 016723  
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 August 6, 2004. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Audrey Howell (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 August 18, 2004, 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. Board Exh. 1.

The Board issued a Notice of Hearing dated August 18, 2004, scheduling a hearing for September 1, 2004. Board Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Notice of Hearing, Statement of Charges and Summary Suspension Order were provided to respondent by a State Marshal. Board Exh. 1.

On August 31, 2004, the Department filed a Motion to Deem Allegations Admitted. Board Exh. 2.

The hearing took place on September 1, 2004, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Tr. p. 2-7.

During the hearing on September 1, 2004, the Board denied the Motion to Deem Allegations Admitted. Tr. pp. 3-5.

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. Audrey Howell, L.P.N. of Higganum, Connecticut is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nurse number 016723. Dept. Exh. 1.
2. On March 17, 2004, respondent entered into a Consent Order which placed her license on probation for four years. Said Consent Order required her to submit urine screens, and required her to submit monthly reports from her therapist and nursing supervisor.
3. To date, respondent has failed to submit to urine screens and has not submitted monthly reports from her therapist or nursing supervisor.

### *Conclusions of Law and Discussion*

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

Audrey Howell 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 her 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.

**PARAGRAPH 2** of the Statement of Charges alleges that on March 17, 2004, respondent entered into a Consent Order which placed her license on probation for four years. Said Consent Order required her to submit to urine screens, and required her to submit monthly reports from her therapist and nursing supervisor.

**PARAGRAPH 3** of the Statement of Charges alleges that to date, respondent has failed to submit to urine screens and has not submitted monthly reports from her therapist or nursing supervisor.

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 . . . (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 Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct violates the terms of probation as set forth in the Consent Order dated March 17, 2004. Therefore, respondent's licensed practical nurse license is subject to disciplinary action pursuant to *Conn. Gen. Stat. §19a-17*.

**Order**

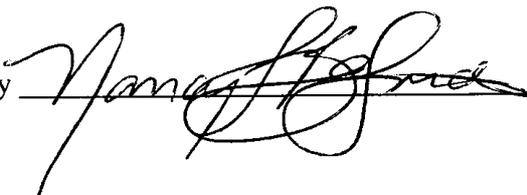
Pursuant to its authority under *Conn. Gen. Stat. §§19a-17* and 20-99, the Board of Examiners for Nursing hereby orders the following:

That for Paragraphs 2, 3 and 4 of the Statement of Charges, respondent's licensed practical nurse license number 016723, is revoked effective the date this Memorandum of Decision is signed by the Board.

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

Dated at Newington, Connecticut this 2nd day of March 2005.

BOARD OF EXAMINERS FOR NURSING

By 

## CERTIFICATION

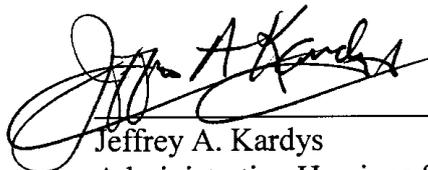
I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 3rd day of March 2005, by certified mail, return receipt requested, and first class mail to:

Audrey Howell  
878 Killingworth Road  
Higganum, CT 06441

Certified Mail RRR #700411160000088335912

and by Inter-Departmental Mail to:

Stanley K. Peck, Director  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
Hartford, CT 06134-0308



---

Jeffrey A. Kardys  
Administrative Hearings Specialist/Board Liaison  
Department of Public Health  
Public Health Hearing Office