

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

Department of Public Health

Petition No. 2002-0619-011-024

vs.

Nancy Jenuska, LPN, Lic. No. 018322  
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 July 15<sup>th</sup>, 2002. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the Connecticut General Statutes by Nancy Jenuska, LPN (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 the public health and safety. *Conn. Gen. Stat.* §§ § 4-182(c). On September 4, 2002, 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 September 4, 2002, scheduling a hearing for September 18, 2002. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Summary Suspension Order, Notice of Hearing and Statement of Charges were delivered by certified mail to respondent on September 6, 2002. Dept. Exh. 1.

The hearing scheduled for September 18, 2002 was continued until January 15, 2003 because respondent was not present. Transcript, September 18, 2002, pp. 2-3.

The hearing on January 15, 2003 was held at the Hartford Hospital Newington Campus, 181 Patricia M. Genova Drive, Newington, Connecticut. Respondent was present during the hearing but was not represented by counsel. Transcript, January 15, 2003, p. 3-4.

During the hearing, respondent orally answered the Statement of Charges, admitting to each paragraph of the Statement of Charges. Transcript, January 15, 2003; p. 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. Respondent was issued licensed practical nurse license number 018322 on December 10, 1979. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-A.
2. From on or about 1999 to 2000, while working as a licensed practical nurse at Roncalli Health Care, respondent diverted for her and her husband's personal use, the controlled substances Percocet and Tylenol with Codeine. Transcript, January 15, 2003, pp. 8-9.
3. Pursuant to a Consent Order dated April 17, 2002, the Board ordered that respondent's licensed practical nurse license be placed on probation for a period of three years. Said disciplinary action was based upon respondent's diversion of controlled substances while working at Roncalli Health Care during 1999 and 2000. Said Order specifically provided that respondent shall not obtain or use controlled substances, legend drugs or alcohol in any form unless prescribed or recommended for a legitimate therapeutic purpose by a licensed health care professional authorized to prescribe medications, that respondent shall submit to random alcohol/drug screens during the first year of probation that shall be negative for the presence of alcohol and drugs, and that respondent shall cause employer reports to be submitted to the Department. Dept. Exh. 1-E.
4. For approximately three or four weeks in December of 2002, while her licensed practical nurse license was subject to the terms of probation, respondent worked at Connecticut Valley Hospital. Transcript, January 15, 2003; p. 16.
5. Respondent has failed to comply with the terms of the April 17, 2002 Consent Order in that she failed to submit to required random urine screening and failed to cause employer reports from a nursing supervisor to be submitted to the Department. Dept. Exh. 1-D; Transcript, January 15, 2003; pp. 6-7.
6. From November 7, 2002 to November 21, 2002, respondent underwent inpatient chemical dependency treatment at Stonehaven Programs, Portland, Connecticut. Since December 10, 2002, respondent has been a client of the Hartford Dispensary detoxification program. Resp. Exh. 1, 2.
7. Respondent, at the January 15, 2003 hearing, answered the Statement of Charges, admitting to the charges therein.

### ***Conclusions of Law and Discussion***

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

Nancy Jenuska 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.

The Statement of Charges alleges respondent has failed to comply with the terms of an April 17, 2002 Consent Order in that respondent has not submitted to required urine screening and has failed to cause employer reports to be submitted to the Department.

Respondent admits these charges. Transcript, January 15, 2003; pp. 5-7.

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 April 17, 2002. 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:

Respondent's licensed practical nurse license, number 018322, is revoked effective the date this Memorandum of Decision is signed by the Board.

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

Dated at Hartford, Connecticut this 18th day of June, 2003.

BOARD OF EXAMINERS FOR NURSING

By 