

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

Marcelle Grenier
RE: Licensed Practical Nurse Lic No. 018460

Petition No. 2011-792

MEMORANDUM OF DECISION

Procedural Background

Marcelle Grenier (hereinafter "petitioner") was issued licensed practical nurse number 018460.

Pursuant to Memorandum of Decision dated March 17, 1999, the Board of Examiners for Nursing (hereinafter "the Board") ordered the revocation of petitioner's licensed practical nurse license.

In a letter dated June 6, 2011, petitioner requested that the Board reinstate her licensed practical nurse license. Board Exh. 2, p. 7.

Pursuant to Petitioner's request, the Board issued a Notice of Hearing dated July 26, 2011, scheduling a hearing for September 21, 2011. Board Exh. 1.

The hearing took place on September 21, 2011, at the Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Petitioner was present at the hearing but was not represented by counsel. The Department of Public Health ("the Department") was represented by Attorney Joelle Newton. Tr., p. 2.

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 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. Pursuant to Memorandum of Decision dated March 17, 1999; the Board ordered the revocation of petitioner's licensed practical nurse. The order was based on the Board's findings of petitioner's diversion and abuse of controlled substances in 1998. Board Exh. 2, pp. 2-6.

2. From on or about 2000 through the present, petitioner has undergone inpatient and outpatient chemical dependency treatment at various treatment programs in Connecticut and New Hampshire. Since October 2008, petitioner has engaged in treatment at North End Counseling, Manchester, New Hampshire. Tr., pp. 10, 14-17 (sealed); Board Exh. 2, p. 8.
3. Petitioner has participated in voluntary urine drug and alcohol screening. The results are not indicative of an active addiction. Board Exh. 5.
4. Petitioner has been an active participant in both Narcotics Anonymous and Alcoholics Anonymous. Board Exh. 2, p. 10.
5. Petitioner has been employed at in various positions since 2000. Since September 2010 petitioner has been employed as a private caregiver responsible for personal care, exercise regimes, dietary needs and household maintenance. Board Exh. 2, pp. 13-17.

Discussion and Conclusions of Law

As stated in the Notice of Hearing, petitioner has the burden of satisfying the Board that she is able to practice as a licensed practical nurse with reasonable skill and safety by presenting relevant evidence at the hearing, including the following:

1. Evidence documenting her drug free status and participation in therapy and counseling;
2. Personal references addressing her drug free status, emotional health, and work habits;
3. Documentary evidence from her current and past employers;
4. Documentary evidence of random, legally defensible screens for drugs and alcohol.
5. Documentation of participation in support groups.

The Board finds that the petitioner has presented relevant and credible evidence to sustain her burden of satisfying the Board of her ability to return to the practice of nursing under the terms of the Order described below.

Order

Pursuant to §§ 19a-17 and 20-99 of the General Statutes, the Board hereby orders the following:

1. Licensed practical nurse no. 018460, of petitioner, Micelle Grenier, is hereby reinstated and immediately restricted in that she is prohibited from practicing as an LPN and may only use her license for the sole purpose of participating in a refresher program as set forth in paragraph 2 of this Order.
2. Petitioner shall successfully complete a Board approved licensed practical nurse refresher program and successfully take the licensing examination for licensed practical nurses.
 - A. Certification of successful completion of the refresher program shall be submitted to the Board, directly from the educational institution where said program was taken, within thirty (30) days of the program's completion.
 - B. Petitioner shall submit an application to the Department's licensing authority. Petitioner shall be administered the licensing examination for licensed practical nurses. Petitioner shall incur all expenses associated with applying for and taking the licensing examination.
 - C. Petitioner shall attain a passing score on the licensing examination for licensed practical nurses.
 - D. Until such time that petitioner successfully completes the refresher program and attains a passing score on the licensing examination, petitioner is prohibited from practicing as a nurse and petitioner's licensed practical nurse license will be restricted and used for the sole purpose of participating in the refresher program.
3. Petitioner's licensed practical nurse license No. 018460, shall be placed on probation for a period of four (4) years commencing on the date petitioner is notified by the Department that she passed the licensed practical nurse licensing examination.
4. If any of the following conditions of probation are not met, petitioner'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 an LPN 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 an LPN for the period of probation.
- B. Petitioner shall provide a copy of this Memorandum of Decision to any and all employers if employed as an LPN 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. Petitioner 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 working as an LPN during the probationary period. Petitioner may administer controlled substances as part of the licensed practical nurse refresher program provided she receives direct supervision from a nursing instructor.
- D. If employed as an LPN; petitioner shall cause employer reports to be submitted to the Board, by her immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of month following employment as a nurse. Employer reports shall be submitted monthly during the first and fourth years of probation, and quarterly during the second and third years of probation.
- E. The employer reports cited in Paragraph 4D above shall include documentation of petitioner's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph 4P below.
- F. Should petitioner's employment as an LPN be involuntarily terminated or suspended, respondent and her employer shall notify the Board within seventy-two (72) hours of such termination or suspension.
- G. If petitioner pursues further training in any subject area that is regulated by the Department, petitioner shall provide a copy of this Memorandum of Decision to

the educational institution or, if not the institution, to petitioner's instructor. Such institution or instructor shall notify the Department in writing of 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 4P below.

- H. At her expense, petitioner shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist, approved by the Board and the Department, during the entire period of probation.
- I. Petitioner 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 of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- J. Petitioner shall cause evaluation reports to be submitted to the Board by her therapist during the entire probationary period. Therapist reports shall be submitted monthly during the first and fourth years of probation, and quarterly during the second and third years of probation.
- K. The therapist reports cited in Paragraph 4J above shall include documentation of dates of treatment, and an evaluation of petitioner's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph 4P below.
- L. (1) At her expense, petitioner shall be responsible for submitting to observed random chain of custody urine screens for alcohol and drugs for the entire probationary period, at a testing facility approved by the Board, after consultation with the Department, as ordered by her therapist, and/or personal physician, and/or employer. Alcohol/drug screening may also be ordered by the Board to ensure compliance with this Order. Random alcohol/drug screens shall be legally defensible in that specimen donor and chain of custody can be identified throughout the screening process.
(2) Petitioner shall be responsible for notifying the laboratory, her therapist, the Board, the Department and her prescribing practitioner of any drug(s) she is

taking. For any prescription of a controlled substance(s) for more than two consecutive weeks, the petitioner 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 petitioner;
 2. A list of controlled substance(s) prescribed by other providers;
 3. An evaluation of the petitioner's need for the controlled substance;
 4. An assessment of the petitioner's continued need for the controlled substance(s).
- (3) There must be at least one (1) such random alcohol/drug screen weekly during the first and fourth years of the probationary period and at least two (2) such random alcohol/drug screens monthly during the second and third years.
- (4) 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 chain of custody procedures have been followed.
- (5) Random alcohol/drug screens must include testing for the following substances:

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

(6) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Board and the Department, at the address cited in Paragraph 4P below, by petitioner's therapist, personal physician or the testing laboratory.

- M. Petitioner 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. Petitioner shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.

- N. Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. The ingestion of mouthwash, over the counter cough suppressants and cold/flu remedies may produce a positive result indicating the presence of alcohol. For that reason, any food substance containing poppy seeds, mouthwash and over the counter cough suppressants and cold/flu remedies should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine and/or alcohol, the ingestion of poppy seeds, mouthwash over the counter cough suppressants and/or cold/flu remedies 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 address.
- P. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, RN, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford CT 06134-0308

- 5. That any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that petitioner has violated this Order will subject petitioner 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 Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take subsequent action. The 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 petitioner's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).

6. That this Memorandum of Decision becomes effective on the date signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs petitioner, Marcelle Grenier, and the Department of Public Health of the State of Connecticut of this decision which becomes effective on the date signed by the Board of Examiners for Nursing.

Dated at Hartford, Connecticut this 18th day of January, 2012.

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Bouffard, R.N.
Patricia C. Bouffard, R.N.

CERTIFICATION

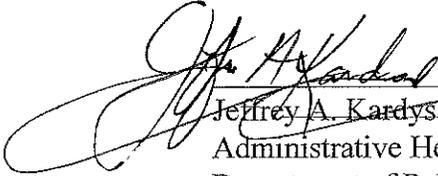
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 19th day of JANUARY 2012, by certified mail, return receipt requested and first class mail to:

Marcelle Grenier
328 Milford Street
Manchester, NH 03102

Certified Mail 91-7108-2133-3932-0551-7231

and via email to:

Matthew Antonetti, Principal Attorney
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