

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

Department of Public Health

Petition No. 2006-0927-011-034

vs.

Loretta Arnott, LPN, Lic. No. 018490

MEMORANDUM OF DECISION

Respondent

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 October 19, 2006. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Loretta Arnott (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 November 1, 2006, 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. 2.

The Board issued a Notice of Hearing dated November 1, 2006, scheduling a hearing for November 15, 2006. Dept. Exh. 2.

Respondent was provided notice of the hearing and charges against her. The Notice of Hearing and Statement of Charges were delivered by certified mail to respondent. Dept. Exh. 2.

The hearing took place on November 15, 2006, at in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing and was not represented by counsel. Tr., p. 1.

Respondent submitted an oral Answer to the Statement of Charges. Tr., pp. 16-17.

PARAGRAPH 1 of the Statement of Charges alleges that Loretta Arnott of Norwich, Connecticut is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nurse license number 018490.

Respondent admits this charge. Tr. p. 16.

PARAGRAPH 2 of the Statement of Charges alleges that on May 3, 2006, the Board ordered the Consent Order placed respondent's licensed practical nurse license on probation for a period of four years. Such disciplinary action was based upon respondent's admitted diversions of morphine and Dilaudid, tampering with vials of morphine, and falsification of controlled substances records.

Respondent admits this charge. Tr. 16.

PARAGRAPH 3 of the Statement of Charges alleges that said Consent Order specifically provided that respondent's urine screens shall be negative for drugs and alcohol.

Respondent admits this charge. Tr. 17.

PARAGRAPH 4 of the Statement of Charges alleges that on or about September 14, 2006, respondent tested positive for opiates.

Respondent admits this charge. Tr. 17.

Findings of Fact

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

1. Loretta Arnott of Norwich is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nurse license number 018490. Tr. p. 16.
2. On May 3, 2006, the Board ordered a Consent Order in Petition number 2005-0607-011-019 ("the Consent Order") that placed respondent's licensed practical nurse license on probation for a period of four years. Such disciplinary action was based upon respondent's admitted diversions of morphine and Dilaudid, tampering with vials of morphine, falsification of controlled substance records. Tr. p. 16.
3. Said Consent Order specifically provided that respondent's urine screens shall be negative for drugs and alcohol. Tr. p. 17.
4. On or about September 14, 2006, respondent tested positive for opiates. Tr. p. 17.

Conclusions of Law and Discussion

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

Loretta Arnott 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 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: . . . ; (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 all of the Paragraphs of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§20-99(b) and 19a-17, and violates the terms of probation as set forth in the Consent Order. 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 all the Paragraphs of the Statement of Charges, respondent's licensed practical nurse license number 018490, is revoked effective the date this Memorandum of Decision is signed by the Board.

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

Dated at Newington, Connecticut this 7th day of February 2007.

BOARD OF EXAMINERS FOR NURSING

By  EN