

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health

Petition No. 2003-0416-011-013

vs.

Beverly Platt, LPN, Lic. No. 020485
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 May 27, 2003. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Beverly Platt (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 June 18, 2003, 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 June 18, 2003, scheduling a hearing for July 16, 2003. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Notice of Hearing and Statement of Charges were served by State Marshal on the respondent and were provided to respondent by certified mail. Dept. Exh. 1.

The hearing took place on July 16, 2003, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, p. 2.

Respondent did not submit an Answer to the Statement of Charges. The Department moved to deem the allegations admitted; this motion was granted. Transcript, p. 6.

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 exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued licensed practical nurse license number 020485 on March 30, 1984. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 2D.
2. At all relevant times, respondent was employed as a licensed practical nurse at Olympus Care Manor, Farmington, Connecticut. Dept. Exh. 2A.
3. From about November 2002 through about February 2003, while working as a licensed practical nurse at Olympus Care Manor, respondent:
 - a. diverted oxycodone and/or hydrocodone;
 - b. failed to complete, properly and/or accurately document medical or hospital records; and/or,
 - c. falsified one or more Controlled Substance Receipt Records.Dept. Exh. 2A
4. From about November 2002 through about February 2003, respondent abused or utilized to excess oxycodone and/or hydrocodone. Dept. Exh. 2A.
5. Respondent's abuse of oxycodone and/or hydrocodone does and/or may affect her practice as a licensed practical nurse. Dept. Exh. 2A.
6. On February 21, 1996, a Consent Order was issued in Petition No. 930405-11-016, placing respondent's license on probation for two years based on respondent's admission that, while employed as a licensed practical nurse at Forestville Rehabilitation Center, respondent violated the standard of care regarding the administration of controlled substances. Dept. Exh. 2B.

7. On May 6, 1998, a Consent Order was issued in Petition No. 971216-011-035, placing respondent's license on probation for three years based on allegations that she had a disorder or mental illness that did and/or might affect her practice as a licensed practical nurse. Dept. Exh. 2C.

Conclusions of Law and Discussion

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

Beverly Platt 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.

PARAGRAPHS 2 and 3 of the Statement of Charges allege that between approximately November 2002 through February 2003, while working as a licensed practical nurse at Olympus Care Manor, respondent:

- a. diverted oxycodone and/or hydrocodone;
- b. failed to completely, properly, and/or accurately document medical or hospital records; and/or,
- c. falsified one or more Controlled Substance Receipt Records.

PARAGRAPH 4 of the Statement of Charges alleges that from about November 2002 through February 2003, respondent abused or utilized to excess oxycodone and/or hydrocodone.

PARAGRAPH 5 of the Statement of Charges alleges that respondent's abuse of oxycodone and/or hydrocodone does and/or may affect her practice as a licensed practical nurse.

Respondent did not submit an Answer to the Statement of Charges. Pursuant to § 19a-9-20 of the Regulations of Connecticut State Agencies the Board deems the allegations in the Statement of Charges to be admitted.

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 performing 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 Paragraphs 2, 3, 4, and 5 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)(2), (5), (6) and 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:

1. That for Paragraphs 2, 3, 4, and 5 of the Statement of Charges, respondent's licensed practical nurse license, number 020485, is revoked effective the date this Memorandum of Decision is signed by the Board.

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

Dated at Hartford, Connecticut this 17th day of December 2003.

BOARD OF EXAMINERS FOR NURSING

By

