

CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. \_\_\_\_\_

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES  
BUREAU OF HEALTH SYSTEM REGULATION  
DIVISION OF MEDICAL QUALITY ASSURANCE

IN RE: Linda Landry, L.P.N.  
536 C Shennecossett Rd  
Groton, CT 06340

Petition No. 921208-11-023

CONSENT ORDER

WHEREAS, Linda Landry (hereinafter "respondent") of Groton, Connecticut has been issued license number 021958 to practice as a licensed practical nurse by the Department of Public Health and Addiction Services (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and.

WHEREAS, respondent hereby admits and acknowledges that:

1. Between October of 1992 and November of 1992, while working as a nurse at Lawrence & Memorial Hospital, New London, Connecticut, she:
  - (a) diverted to herself the narcotic controlled substance Percocet; and
  - (b) abused or utilized to excess the narcotic controlled substance Percocet.
2. She is chemically dependent, and addicted to Percocet.
3. The conduct and condition described in paragraphs 1 and 2 above fails to conform to the accepted standards of the nursing profession in violation of §20-99(b) of the General Statutes of Connecticut.

4. Respondent is licensed as a nurse only in Connecticut and does not have licensure pending in any other state.

NOW THEREFORE, pursuant to §19a-17 and §20-99(a) of the General Statutes of Connecticut, Linda Landry, L.P.N. hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to her profession.
3. Respondent's license number 021958 to practice as a licensed practical nurse in the State of Connecticut is hereby placed on probation for three (3) years, subject to the following terms and conditions:

A. She shall engage in therapy at her own expense with a licensed therapist approved by the Connecticut Board of Examiners for Nursing (hereinafter "therapist" and "Board").

- (1) She shall provide a copy of this CONSENT ORDER to her therapist.
- (2) Her therapist shall furnish written confirmation to the Board and Department of his or her engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this CONSENT ORDER.
- (3) If respondent's therapist determines that therapy is no longer therapeutically necessary, that a reduction in frequency of therapy sessions is warranted, or that respondent should be transferred to

another therapist, he or she shall advise the Board and the Department, each of which shall pre-approve said termination of therapy, reduction in frequency of therapy sessions and/or respondent's transfer to another therapist. However, if therapy is terminated with approval of the Board and Department, respondent's therapist shall continue to monitor her alcohol and drug free status by monitoring and reviewing the observed random urine screens for drugs and alcohol as described in paragraph 3B below, and by providing the reports described in paragraph 3C below.

- (4) The therapist shall immediately notify the Board and Department in writing if respondent discontinues therapy and/or terminates his or her services.

B. Respondent shall not obtain for personal use and/or use alcohol, controlled substances or legend drugs that have not been prescribed for her for a legitimate therapeutic purpose by a licensed physician.

- (1) At her own expense, she shall submit to observed random urine screens for controlled substances and alcohol at a testing facility approved by the Board and Department as ordered by her therapist. She shall also be responsible for providing laboratory reports reporting the results of such screens directly to her therapist. All such observed random drug and alcohol screens and laboratory reports shall be legally defensible in that the specimen donor and chain of custody can be identified throughout the screening process.

- (2) She shall be responsible for notifying the laboratory, her therapist and the Board and Department of any controlled substances she is taking.
- (3) There must be at least one such observed random screen and accompanying laboratory report weekly for the first year of probation, at least one such screen and report every two weeks for the second year of probation, and at least one such screen and report monthly for the third year of probation.
- (4) All screens shall be negative for controlled substances and alcohol.
- (5) All positive screen results shall be confirmed by gas chromatograph/mass spectrometer testing.
- (6) Respondent is hereby advised that the ingestion of poppy seeds has, from time to time, been raised as a defense to a positive screen result for morphine and/or opiates. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances during the term of this CONSENT ORDER. In the event respondent has a positive screen for Morphine and/or opiates, respondent agrees that the ingestion of poppy seeds shall not constitute a defense to such a screen.

- C. Respondent shall be responsible for the provision of written reports from her therapist directly to the Board and Department monthly for the first year of her probationary period, every other month for the second year of probation, and quarterly for the third year of probation. Such reports shall include documentation of dates of treatment, an evaluation of respondent's progress in treatment and of her drug and alcohol free status as established by the observed random urine screens for drugs and alcohol described in paragraph 3B(1), an evaluation of her ability to safely and competently practice nursing, and copies of all laboratory reports.
- D. Notwithstanding the foregoing, respondent's therapist shall immediately report to the Board and Department any confirmed positive urine screen and any conduct or condition on respondent's part which does or may violate any federal or state statute or regulation applicable to her profession.
- E. Respondent shall provide a copy of this CONSENT ORDER to all current and future employers for the duration of her probation.
- F. Respondent shall not accept employment in any capacity for a personnel provider, visiting nurse agency or home health care agency for the period of her probation.
- G. Respondent shall not administer or count narcotics or other controlled substances, or have responsibility for such activities, in the course of her nursing practice for the first year of the probationary period.
- H. Respondent shall be responsible for the provision of written reports directly to the Department and the Board from her nursing supervisor (i.e., Director of Nursing) monthly for the first year of her probation, every other month for the second year of probation, and quarterly for the

third year of probation. Employer reports shall include documentation of respondent's ability to safely and competently practice nursing, and shall be issued to the Department and the Board at the address cited in paragraph 3L below.

- I. Respondent shall notify the Board in writing of any change of employment within fifteen (15) days of such change.
- J. Respondent shall notify the Board of any change in her home or business address within fifteen (15) days of such change.
- K. All reports required in paragraphs 3B, 3C and 3H are due according to the following schedule:
  - (1) Weekly and monthly reports are due on the tenth business day of every month commencing with the reports due Feb 94.
  - (2) Bi-monthly reports are due on the tenth business day of every other month commencing with the reports due Jan 95.
  - (3) Quarterly reports are due on the tenth business day of January, April, July and October. Quarterly reports shall commence with the reports due Jan. 96.
- L. All correspondence and reports shall be addressed to:

Executive Officer  
Office of the Board of Examiners for Nursing  
Department of Public Health and Addiction Services  
150 Washington Street  
Hartford, CT 06106

4. That in the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as an LPN, upon request by the Department with notice to the Board for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that her failure to cooperate with the Department's investigation shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). That, in the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of her license before the Connecticut Board of Examiners for Nursing.
5. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take action at a later time. The Board shall not be required to grant future extensions of time or grace periods.
6. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance, Department of Public Health and Addiction Services.

7. This CONSENT ORDER is effective retroactive to January 1, 1994.
8. Respondent understands this CONSENT ORDER is a matter of public record.
9. Respondent understands this CONSENT ORDER may be considered as evidence of the above admitted violations in any proceeding before the Board (1) in which her compliance with this same CONSENT ORDER is at issue, or (2) in which her compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue.
10. This CONSENT ORDER and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this CONSENT ORDER is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that she may have under the laws of the State of Connecticut or of the United States.
11. Respondent permits a representative of the Department to present this CONSENT ORDER and the factual basis for this CONSENT ORDER to the Board. Respondent understands that the Board has complete and final discretion as to whether an executed CONSENT ORDER is approved or accepted.
12. Respondent has had the opportunity to consult with an attorney prior to signing this document.

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I, Linda Landry, L.P.N., have read the above CONSENT ORDER, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this CONSENT ORDER to be my free act and deed.

*Linda Landry*  
Linda Landry, L.P.N.

Subscribed and sworn to before me this *29<sup>th</sup>* day of *June* 1994.

*Linda L. Lynch*  
Notary Public or person authorized by law to administer an oath or affirmation

**LINDA L. LYNCH  
NOTARY PUBLIC**

MY COMMISSION EXPIRES MARCH 31, 1995

The above CONSENT ORDER having been presented to the duly appointed agent of the Commissioner of the Department of Public Health and Addiction Services on the *29<sup>th</sup>* day of *June* 1994, it is hereby accepted.

*Stanley K. Peck*  
Stanley K. Peck, Director  
Division of Medical Quality Assurance

The above CONSENT ORDER having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the *10* day of *November* 1994, it is hereby ordered and accepted.

BY: *[Signature]*  
Connecticut Board of Examiners for Nursing  
*Kimberly J. Tolanta*

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