

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

Linda Landry, L.P.N.

Licensed Practical Nurse No. 021958

536-C Shennecosett Road

Groton, CT 06340

CASE PETITION NO. 950601-11-015

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services ^{1/} (hereinafter the "Department") with a Statement of Charges and a Motion for Summary Suspension dated June 6, 1995 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Linda Landry (hereinafter the "Respondent").

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent represented a clear and immediate danger to public health and safety. On June 14, 1995, the Board ordered, pursuant to its authority under §19a-17(c) of the General Statutes of Connecticut, that the licensed practical nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges (Department Exhibit 1).

^{1/} Prior to July 1, 1995 the Department of Public Health was known as the Department of Public Health and Addiction Services. (Connecticut Public Act No. 95-257)

The Board issued a Notice of Hearing dated June 14, 1995 scheduling a hearing for June 28, 1995 (Department Exhibit 1). The hearing was continued (Hearing Transcript, June 28, 1995) and took place on July 12, 1995 at the Legislative Office Building, Room 2A, Capitol Avenue, Hartford, Connecticut.

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.

FACTS

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

1. Linda Landry, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 021958 on February 2, 1987. The Respondent was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1-C)
2. The Respondent was given due notice of the hearing and the charges against her. Department Exhibit 2 indicates the Notice of Hearing and Statement of Charges were served on the Respondent by Deputy Sheriff.
3. The Respondent was not present during the hearing and was not represented by counsel. (Hearing Transcript, July 12, 1995, p. 2)
4. Pursuant to a Consent Order dated November 10, 1994 the licensed practical nurse licensed of the Respondent was placed on probation for period of three (3) years due to the diversion and abuse of the controlled substance Percocet while she was employed as a nurse at Lawrence & Memorial Hospital, New London, Connecticut in 1992. (Department Exhibit 1-C)

5. Conditions of probation of the Respondent's licensed practical nurse license required that the 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, and that the Respondent submit to random urine screening, the results of which are to be negative for the presence of alcohol and/or drugs. (Department Exhibit 1-C)
6. On May 25, 1995, while her practical nurse license was subject to conditions of probation, the Respondent was on duty at Lawrence and Memorial Hospital, New London, Connecticut, with the noticeable odor of alcohol on her breath. (Department Exhibit 1-A)
7. On May 26, 1995 the Respondent submitted a urine specimen for alcohol/drug screening. The results of the screen were positive for the presence of the controlled substance Cocaine. (Department Exhibit 1-A)

DISCUSSION AND CONCLUSIONS

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

Linda Landry held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Statement of Charges alleges that while subject to conditions of probation of her licensed practical nurse license, as set forth in a Consent Order dated November 10, 1994, the Respondent used alcohol on or about May 25, 1995; used Cocaine on or about May 26, 1995; and submitted to a urine screen which tested positive for the presence of Cocaine.

The Respondent was not present at the hearing to answer these charges, therefore the Board deems the Statement of Charges to be admitted.

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying our usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on its findings, the Board concludes that the Respondent's conduct as specified in the Statement of Charges is proven and are violations of the General Statutes of Connecticut §20-99(b)(2) and (5), and that said conduct constitutes a violation of the terms of probation as set forth in the Consent Order dated November 10, 1994. Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That the Respondent's licensed practical nurse license, No. 021958, be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

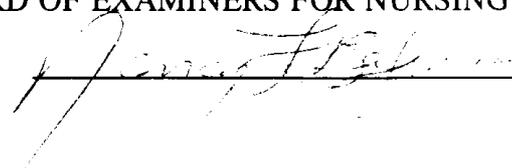
The Respondent, Linda Landry, is hereby directed to immediately surrender Licensed Practical Nurse License No. 021958 to the Board of Examiners for Nursing, Department of Public Health, 150 Washington Street, Hartford, Connecticut 06106.

The Board of Examiners for Nursing hereby informs the Respondent, Linda Landry, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 15th day of November, 1995.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, written in black ink, is positioned over a horizontal line. The signature appears to be "James F. [unclear]".

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