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STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.

Paul Bussolini, Jr., LPN, License No. 022207

94R Rockwell Avenue

New Britain, CT 06051

CASE PETITION NO. 910205-11-002

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Statement of Charges dated December 17, 1991. (State Exhibit 2) The Statement of Charges alleged violations of certain provision of Chapter 378 of the General Statutes of Connecticut by Paul Bussolini, LPN (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated December 18, 1991. The hearing took place on January 23, 1992 in Room 112, National Guard Armory, Maxim Road, 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 their specialized professional knowledge in evaluating the evidence.

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FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Paul Bussolini, Jr., hereinafter referred to as Respondent, was the holder of Connecticut Licensed Practical Nurse License Number 22207 at all times referenced in the Statement of Charges. (Hearing Transcript January 23, 1992, p. 7)
2. Pursuant to the General Statutes of Connecticut, Section 4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of his license. (State Exhibit 1)
3. The Respondent was aware of the time and location of the hearing. State's Exhibit 2 indicates that notice of the location and time of this hearing were delivered by certified mail to the Respondent's address of record.
4. The Respondent was present at the hearing but was not represented by counsel.
5. The Board offered the Respondent a continuance for him to obtain an attorney if he so desired. The Respondent declined the offer. (Hearing Transcript January 23, 1992, p. 4)

6. On or before March 11, 1991 the Respondent abused or used excessively alcohol and the controlled substances Percocet, Marijuana, Xanax, Lysergic acid diethylamide (L.S.D.) and Cocaine. (State Exhibit 3) (Hearing Transcript January 23, 1992, pp. 7-8, 12, 20, 21, 24-25)
7. On or about January 13, 1991 the Respondent was employed as a licensed practical nurse at Walnut Hill Convalescent Home, New Britain, Connecticut. (Hearing Transcript January 23, 1992, p. 9)
8. On or about January 13, 1991 the Respondent reported to work at Walnut Hill Convalescent Home, New Britain, Connecticut under the influence of alcohol and or drugs. (Hearing Transcript January 23, 1992, pp. 9, 24)
9. On or about March 11, 1991 the Respondent was admitted to the Acute Care Unit at Blue Ridge, Bloomfield, Connecticut for treatment of his longstanding alcohol and chemical dependency. The Respondent remained in the Acute Care Unit for five (5) days and was then transferred to the Evening Treatment program. (State Exhibit 3)
10. The Respondent was discharged from Blue Ridge on or about April 25, 1991 with recommendations inclusive of continuing after care and individual counselling. (State Exhibit 3)

11. The Respondent has failed to follow the recommendations for after care treatment and counselling. (State Exhibit 4) (Hearing Transcript January 23, 1992, pp. 13-16, 26-27)

12. The Respondent had a relapse on or about August 1991. (Hearing Transcript January 23, 1992, p. 13)

DISCUSSION AND CONCLUSIONS

The FIRST COUNT PARAGRAPH 2 of the Statement of Charges alleges that on or before March 11, 1991, the Respondent abused or used excessively one or more of the following drugs: alcohol, Percocet, Marijuana, Xanax, and/or Lysergic acid diethylamide (L.S.D.).

The Respondent admitted to this charge. (Hearing Transcript January 23, 1992, pp. 7-8)

The General Statutes of Connecticut Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on the Respondent's admission and FACT 6 the Board concludes that the Respondent's conduct, as specified in the First Count Paragraph 2, violated the General Statutes of Connecticut Section 20-99(b)(5).

The SECOND COUNT PARAGRAPH 2 of the Statement of Charges alleges that on or about January 13, 1991, the Respondent went to work at the Walnut Hill Convalescent Home, New Britain, Connecticut, under the influence of alcohol and/or one or more controlled substances.

The Respondent admitted to this charge. (Hearing Transcript January 23, 1992, pp. 9, 24)

The General Statutes of Connecticut Section 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 out usual nursing functions...."

Based on the Respondent's admission and FACTS 6, 7 and 8, the Board concludes that the Respondent's conduct, as specified in the Second Count Paragraph 2, violated the General Statutes of Connecticut Section 20-99(b)(2).

Evidence presented at the hearing indicates the Respondent sought treatment for alcohol and drug abuse at Blue Ridge, Bloomfield, Connecticut (FACT 9) from March 11, 1991 until his discharge on April 25, 1991. Upon discharge the Respondent was given recommendations inclusive of continuing after care and individual counselling (FACT 10). The Respondent has failed to follow the recommendations for on-going treatment and counselling despite a longstanding history of serious alcohol and drug abuse (FACT 11). The Respondent had a relapse of his abuse on or about August, 1991 (FACT 12). The Board therefore concludes the Respondent is not committed to maintaining an alcohol and drug free status.

ORDER

Pursuant to its authority under the General Statutes of Connecticut, Sections 19a-17 and 20-99, the Board hereby orders:

1. That for the First Count, Paragraph 2, the practical nurse license of the Respondent be revoked.
2. That for the Second Count, Paragraph 2, the practical nurse license of the Respondent be revoked.
3. That date of revocation shall become effective on June 15, 1992.

The Respondent, Paul Bussolini, Jr., is hereby directed to surrender his Practical Nurse License No. 022207 to the Board of Examiners for Nursing, 150 Washington Street, Hartford, Connecticut 06106, on or before June 15, 1992.

The Board of Examiners for Nursing hereby informs the Respondent, Paul Bussolini, Jr., and the Department of Health Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 23 day of April, 1992.

BOARD OF EXAMINERS FOR NURSING

By Janice Thibodeau

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