

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

Department of Public Health

Petition No. 2003-1230-011-051

vs.

Roxanne Bouchard, LPN, Lic. No. 022683
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 dated February 10, 2005. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Roxanne Bouchard (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).

The Board issued a Notice of Hearing dated February 14, 2005, scheduling a hearing for May 4, 2005. Dept. Exh. 1.

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 on February 19, 2005. Dept. Exh. 1.

The hearing took place on May 4, 2005, at the Hartford Hospital, Newington Campus, Curtis Building Amphitheater, 181 Patricia M. Genova Drive, Newington, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, May 4, 2005, p. 6.

Respondent submitted a written Answer to the Statement of Charges. Board. Exh. A.

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

1. Respondent was issued licensed practical nurse license number 022683 on June 1, 1988. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh.1, tab 2; Resp. Exh. A.

2. On or about December 21, 2003, respondent administered flu vaccine to two of her minor children at her home without a physician order. Dept. Exh. 1, tab 5; Resp. Exh. A.
3. Respondent obtained the flu vaccine from a friend who is nurse. Dept. Exh. 1, tab 5
4. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, § 20-99(b)(2).

Conclusions of Law and Discussion

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

Roxanne Bouchard 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.

PARAGRAPH 2 of the Statement of Charges alleges that on or about December 21, 2003, respondent administered flu vaccine to two of her minor children without an appropriate order to do so.

Respondent admits this charge. Board. Exh. A.

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 carrying out usual nursing functions

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraph 2, 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), 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. Respondent's licensed practical nurse license number 022683, is reprimanded.
2. Respondent's licensed practical nurse license number 022683, is placed on probation for a period of six (6) months.
3. If any of the following conditions of probation are not met, respondent's licensed practical nurse license may be subject to disciplinary action pursuant to § 19a-17 of the General Statutes of Connecticut.
 - A. During the period of probation respondent, at her expense, shall successfully complete a course in medication administration and documentation pre-approved by the Board.
 - B. Certification of successful completion of the medication course cited in Paragraph 2A shall be submitted to the Board, directly from the educational institution where said program was taken, within thirty (30) days of the course's completion.
 - B. The Board must be informed in writing prior to any change of address.
 - C. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, RN, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
Board of Examiners For Nursing
 410 Capitol Avenue, MS #12HSR
 P. O. Box 340308
 Hartford CT 06134-0308

4. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject respondent to sanctions under § 19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of her license. 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 subsequent action. The Board shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to respondent's address of record (most current address reported to the Office of Practitioner Licensing and Certification of the Department of Public Health or the Board).

5. This Memorandum of Decision becomes effective, and the six (6) month probation of licensed practical nurse license 022683 shall commence, on the date this decision is signed by the Board.

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

Dated at Hartford, Connecticut this 20th day of July 2005.

BOARD OF EXAMINERS FOR NURSING

By 

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