

# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING OFFICE

April 8, 2010

Roxanne Bouchard  
11 Leary Road  
Enfield, CT 06082

Certified Mail RRR #91-7108-2133-3932-0555-2409

Matthew Antonetti, Principal Attorney      Via Email  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
PO Box 340380  
Hartford, CT 06134-0308

**RE: Roxanne Bouchard, LPN - Petition No. 2009-0417-011-018**

Dear Ms. Bouchard and Attorney Antonetti:

Enclosed please find a copy of the Memorandum of Decision issued by the Board of Examiners for Nursing in the above-referenced matter.

Sincerely,

Jeffrey A. Kardys  
Administrative Hearings Specialist/Board Liaison  
Public Health Hearing Office

c: Michael J. Purcaro, Management Team Leader, Administrative Branch  
Wendy Furniss, Branch Chief, Healthcare Systems  
Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations  
Bonnie Pinkerton, RN, Nurse Consultant, Department of Public Health  
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**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Roxanne Bouchard  
RE: Licensed Practical Nurse Lic. No. 022683

Petition No. 2009-0417-011-018

**MEMORANDUM OF DECISION**

*Procedural Background*

Roxanne Bouchard (hereinafter "petitioner") was issued licensed practical nurse license number 022683.

Pursuant to Memorandum of Decision dated May 3 2006, the Board of Examiners for Nursing (hereinafter "the Board") ordered the revocation of petitioner's licensed practical nurse license.

In a letter dated August 20, 2007, petitioner requested that the Board reinstate her licensed practical nurse license. The Board denied petitioner's request on October 3, 2007. In a letter dated February 6, 2009 petitioner made second request for reinstatement of her licensed practical nurse license. Board Exh. 1.

Pursuant to petitioner's second request, the Board issued a Notice of Hearing dated April 3, 2009, scheduling a hearing for August 19, 2009. Board Exh. 1.

The hearing took place on August 19, 2009, at the Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Petitioner was present at the hearing but was not represented by counsel. The Department of Public Health ("the Department") was represented by Attorney Joelle Newton. Tr., p. 3.

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.

*Findings of Fact*

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

1. Pursuant to Memorandum of Decision dated May 3 2006, the Board ordered the revocation of petitioner's licensed practical nurse license. The order was based on the Board's findings that petitioner violated the boundaries of a nurse/patient relationship on or about July 14, 2003 and that she diverted two Klonopin tablets while working as a licensed practical nurse on or about January 11, 2005. Board Exh. 1.

2. Petitioner submitted the following information for the Board's consideration:
  1. Records from Community Health Resources, North Central Counseling Services, Enfield, Connecticut documenting her participation in therapy and counseling for depression and related issues. Board Exh. 1, pp. 13-27, 30-31.
  2. A substance abuse evaluation from January 2005.
  3. A letter from a former supervisor at an East Windsor, Connecticut Restaurant.
  4. Letters from Kidsafe, CT, Rockville, Connecticut documenting petitioner's participation and successful completion of parenting classes. Board Exh. 1, pp. 9-10.
  5. Letters of support from petitioner's father and a friend. Board Exh. 1, pp. 12-32-33.
3. Since April 2002, petitioner has engaged in therapy and counseling for depression and related issues. Board Exh. 1, pp. 8,13-27, 30-31.
4. A substance abuse evaluation dated January 12, 2005 concludes petitioner does not have a substance abuse problem but does need ongoing mental health treatment for depression, anxiety and post-traumatic stress disorder. Board Exh. 1, p. 7.
5. Since May 2002, petitioner has engaged in treatment with a psychiatrist for depression, anxiety and relationship difficulties. Petitioner's psychiatrist has prescribed Cymbalta and Wellbutrin for depression as well as Valium and Vistoril for anxiety. Petitioner's psychiatrist reports no indication of any drug or alcohol abuse and that petitioner has a clear understanding of boundary issues. Board Exh. 13-14, 30-31, 34.
6. Petitioner's psychiatrist supports petitioner's license reinstatement request stating there is no indication of any impairment from a psychiatric illness that would impair petitioner's ability to practice nursing. Board Exh. 1, pp. 14, 31.
7. Since the revocation of her licensed practical nurse license, petitioner has been employed as a waitress at The East Windsor Restaurant and at Dunkin' Donuts. Board Exh. 1, p. 14; Tr., pp.10, 18-19.

### ***Discussion and Conclusions of Law***

As stated in the Notice of Hearing, petitioner has the burden of satisfying the Board that she is able to practice as a licensed practical nurse with reasonable skill and safety. The Board finds that petitioner has presented sufficient evidence to satisfy this burden.

The Board concludes petitioner offered credible testimony that she has an understanding of the issues that resulted in the revocation of her license. The Board also found petitioner has taken appropriate steps in the treatment of her depression and anxiety issues and continues to engage in such treatment. The Board further concludes that there is no evidence to suggest that petitioner has a substance abuse problem that would impair her ability to function as nurse.

Based on a review of the evidence presented, the Board concludes that petitioner has met the burden of satisfying the Board of her ability to practice as a licensed practical nurse with reasonable skill and safety under the terms of the Order described below.

*Order*

Pursuant to §§ 19a-17 and 20-99 of the General Statutes, the Board hereby orders the following:

1. Licensed practical nurse license number 022683, of petitioner, Roxanne Bouchard, is hereby reinstated and immediately restricted in that she is prohibited from practicing as a nurse and may only use her license for the sole purpose of participating in a refresher program as set forth in paragraph 2 of this Order.
2. Petitioner shall successfully complete a Board approved licensed practical nurse refresher program.
  - A. Certification of successful completion of the refresher program shall be submitted to the Board, directly from the educational institution where said program was taken, within thirty (30) days of the program's completion.
  - B. Until such time that petitioner successfully completes the refresher program, petitioner is prohibited from practicing as a nurse and petitioner's licensed practical nurse license will be restricted and used for the sole purpose of participating in the refresher program.
3. Petitioner's licensed practical nurse license No. 022683 shall be placed on probation for a period of two (2) years commencing on the date petitioner is notified by the Department that her license has been reinstated subsequent to completion of the refresher program.
4. If any of the following conditions of probation are not met, petitioner'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 the Board shall pre-approve respondent's employment and/or change of employment within the nursing profession. Respondent shall not be employed as a nurse for a personnel provider service, assisted living services agency, homemaker-home health aide agency, or home health care agency, and shall not be self-employed as a nurse for the period of probation.

- B. Petitioner shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
- C. If employed as a nurse; petitioner shall cause employer reports to be submitted to the Board, by her immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of month following employment as a nurse. Employer reports shall be submitted monthly during the entire probationary period.
- D. The employer reports cited in Paragraph 3C above shall include documentation of petitioner's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph 3M below.
- E. Should petitioner's employment as a nurse be involuntarily terminated or suspended, respondent and her employer shall notify the Board within seventy-two (72) hours of such termination or suspension.
- F. If petitioner pursues further training in any subject area that is regulated by the Department, petitioner shall provide a copy of this Memorandum of Decision to the educational institution or, if not the institution, to petitioner's instructor. Such institution or instructor shall notify the Department in writing of receipt of a copy of this Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph 3M below.
- G. At her expense, petitioner shall engage in therapy and counseling for depression and anxiety with a Connecticut licensed or certified therapist, approved by the Board and the Department, during the entire period of probation.
- H. Petitioner shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.

- I. Petitioner shall cause evaluation reports to be submitted to the Board by her therapist during the entire probationary period. Therapist reports shall be submitted monthly during the entire probationary period.
- J. The therapist reports cited in Paragraph I above shall include documentation of dates of treatment, and an evaluation of petitioner's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph 3M below.
- K. During the first six months of the probationary period, petitioner shall successfully complete a course in nursing ethics and professional boundaries, pre-approved by Board and the Department. Within thirty days of completion of the course, petitioner shall provide proof to the satisfaction of the Board and Department of her successful completion of the course.
- L. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- M. All correspondence and reports are to be addressed to:

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

- 5. That any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that petitioner has violated this Order will subject petitioner 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 of Examiners for Nursing shall not be a waiver or preclude the Board's right to take subsequent action. The Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to petitioner's address of record (most current address reported to the

Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).

6. That this Memorandum of Decision becomes effective on the date signed by the Board of Examiners for Nursing.

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

Dated at Hartford, Connecticut this 7th day of April, 2010.

BOARD OF EXAMINERS FOR NURSING

By Patricia C Bouffard  
Patricia Bouffard, R.N., Chairperson

**CERTIFICATION**

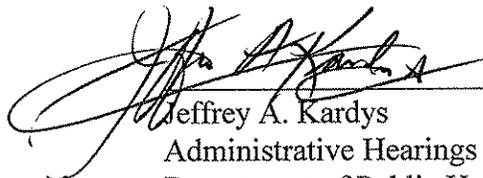
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this JM day of APRIL 2010, by certified mail, return receipt requested:

Roxanne Bouchard  
11 Leary Road  
Enfield, CT 06082

Certified Mail RRR #91-7108-2133-3932-0555-2409

and by E-Mail to:

Matthew Antonetti, Principal Attorney  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
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