

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health v.

Patricia Louder, L.P.N.

Licensed Practical Nurse No. 023556

104 Stoneridge Road

Bridgeport, Connecticut 06606

CASE PETITION NO. 950817-11-023

MEMORANDUM OF DECISION

INTRODUCTION

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 and a Motion for Summary Suspension dated August 24, 1995 (Department Exhibit 1).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of Patricia Louder (hereinafter the "Respondent") represented a clear and immediate danger to public health and safety. On August 31, 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).

The Board issued a Notice of Hearing dated August 31, 1995 scheduling a hearing for September 12, 1995 (Department Exhibit 1). The hearing took place on September 12, 1995 in Room 2-A, Legislative Office Building, 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. Patricia Louder, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 023556 on June 1, 1990. (Department Exhibit 1-G)
2. The Respondent was given due notice of hearing and the charges against her. (Hearing Transcript, September 12, 1995, pp. 2-4, 26)
3. The Respondent was present during the hearing but was not represented by counsel. (Hearing Transcript, September 12, 1995, pp. 4-5)
4. During the hearing the Respondent verbally answered the Statement of Charges. (Hearing Transcript, September 12, 1995, pp. 8-11)
5. Pursuant to a Consent Order dated April 15, 1993 the licensed practical nurse licensed of the Respondent was placed on probation with conditions for a period of three (3) years effective May 1, 1993. The probation was ordered due to the Respondent's diversion of the controlled substance Demerol and falsifying controlled substance records while working as a licensed practical nurse during 1992. (Department Exhibit 1-F)
6. Pursuant to a Memorandum of Decision dated November 30, 1994 the probation with conditions of the Respondent's licensed practical nurse license was extended to September 21, 1997. The probation was extended due to the Respondent's violation of the conditions as set forth in the Consent Order dated April 15, 1993 and for abusing benzodiazepines. (Department Exhibit 1-E)
7. The probation of the Respondent's licensed practical nurse license included the conditions that the Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate medical purpose, by a licensed health care practitioner;

that the Respondent submit to random urine and/or blood screening for alcohol and drugs, the results of which are to be negative for the presence of drugs and alcohol; and that the Respondent engage in therapy and counseling for chemical dependency. (Department Exhibit 1-E)

8. On or about May 18, 1995 and July 6, 1995, the Respondent failed to submit to an alcohol/drug screen as requested by her therapist. (Department Exhibit 1-A, 1-B, 1-C) (Answer: Hearing Transcript September 12, 1995, p. 10)

9. On or about July 29, 1995, the Respondent failed to attend a scheduled session with her therapist. (Department Exhibit 1-A, 1-B)

10. On August 8, 1995 the Respondent submitted a urine specimen for drug screening. The results of the chain of custody urine screen were confirmed positive for the presence of the controlled substance Oxazepam. (Department Exhibit 1-D)

DISCUSSION AND CONCLUSIONS

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

Patricia Louder held a valid licensed practical nurse license in the State of Connecticut at times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges sufficiently provided legal notice 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 the holder of a valid licensed practical nurse license in the State of Connecticut and while said license was subject to conditions of probation pursuant to a Memorandum of Decision dated November 30, 1994, the Respondent violated the terms of said probation in that:

- "4. On or about May 18, 1995, respondent failed to submit to an alcohol/drug screen as requested by her therapist.
5. On or about July 6, 1995, respondent failed to submit to an alcohol/drug screen as requested by her therapist.
6. On or about July 29, 1995, respondent failed to attend a scheduled therapy session.
7. On or about August 5, 1995, a drug screen submitted to by respondent indicated the presence of oxazepam."

The Respondent admits Paragraphs 4 and 5 of the Statement of Charges but denies Paragraphs 6 and 7.

(Answer: Hearing Transcript, September 12, 1995, p. 10)

Based on its findings, the Board concludes the conduct specified in Paragraphs 4, 5, 6 and 7 of the Statement of Charges is proven and that said conduct constitutes violations of the conditions of probation of the Respondent's licensed practical nurse license as set forth in the Memorandum of Decision dated November 30, 1994. Therefore, the Respondent is subject to disciplinary action pursuant to the General Statutes of Connecticut Section 19a-17.

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 for Paragraphs 4, 5, 6 and 7 of the Statement of Charges, the Respondent's Licensed Practical Nurse license, No. 023556, be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

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

Dated at Hartford, Connecticut this 7th day of February, 1996.

1620Q

BOARD OF EXAMINERS FOR NURSING

By

Nancy J. Beford