



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING OFFICE

March 4, 2010

Leona Bilodeau
232 Woodland Street
Manchester, CT 06457

Certified Mail RRR #91-7108-2133-3932-0555-2317

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: Leona Bilodeau, LPN - Petition No. 2009-0302-011-008

Dear Ms. Bilodeau 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
Lynn A. Rioux, Paralegal Specialist II, Office of the Attorney General



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**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH**

Leona R. Bilodeau, LPN
Lic. No. 023618

Petition No. 2009-0302-011-008

MEMORANDUM OF DECISION

Procedural Background

On April 27, 2009, the Department of Public Health ("the Department") filed a Motion for Summary Suspension ("the Motion") and a Statement of Charges ("the Charges") with the Board of Examiners for Nursing ("the Board"). Dept. Exhs. 1 and 2. The Charges allege violations of certain provisions of Chapter 378 of the General Statutes ("the Statutes") by Leona R. Bilodeau ("respondent") which would subject respondent's licensed practical nurse license to disciplinary action pursuant to §§ 19a-17 and 20-99(b) of the Statutes.

Based on the allegations in the Charges and the affidavits and reports accompanying the Motion, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety and ordered, on May 6, 2009, pursuant to §§ 4-182(c) and 19a-17(c) of the Statutes, that respondent's licensed practical nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Charges ("the Order"). Dept. Exh. 1.

On May 12, 2009, the Charges, the Order, and a Notice of Hearing were served on respondent by State Marshal. Dept. Exh. 1.

The hearing was held on May 20, 2009 and September 2, 2009; respondent orally answered the Charges on the record of the hearing.

Respondent appeared *pro se* on May 20, 2009, but did not appear on September 2, 2009; the Department was represented by Attorney Leslie Scoville. Notice of the September 2, 2009 hearing was delivered to respondent's address on or about May 27, 2009. Dept. Exh. 3.

Following the close of the record on September 2, 2009, the Board conducted fact-finding.

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.

Allegations

Count One

1. In paragraphs one and six of the Charges, the Department alleges that Leona R. Bilodeau of Manchester, CT is and has been at all times referenced the holder of Connecticut licensed practical nursing license number 023618.
2. In paragraph two of the Charges, the Department alleges that at all relevant times, respondent was employed as a licensed practical nurse at Westside Care Center, in Manchester, Connecticut ("the facility").
3. In paragraph three of the Charges, the Department alleges that during February 2009, while employed as a licensed practical nurse at the facility, respondent abused or utilized to excess alcohol.
4. In paragraph four of the Charges, the Department alleges that respondent's abuse of alcohol does, and/or may, affect her practice as a licensed practical nurse.
5. In paragraph five of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, § 20-99(b), including but not limited to § 20-99(b)(5).

Count Two

6. In paragraph seven of the Charges, the Department alleges that on October 15, 2008, the Board ordered a Consent Order in Petition Number 2007-0517-011-020 ("the Consent Order") that placed respondent's licensed practical nursing license on probation for a period of four years. Such disciplinary action was based upon proof that respondent reported to work after drinking alcohol.
7. In paragraph eight of the Charges, the Department alleges that the Consent Order specifically provided that respondent submit to random urine screens weekly for the first year of the probationary period.
8. In paragraph nine of the Charges, the Department alleges that on February 20, 2009 and again on February 23, 2009 respondent failed to attend urine screens after she was called for the screens. On or about February 27, 2009 respondent admitted to the Department that she had relapsed on alcohol.

Findings of Fact

1. Respondent, on May 20, 2009, orally admitted the factual allegations in Count One, paragraphs 1-4 and Count Two, paragraphs 6-9. Tr. pp. 13-14.
2. Following the commencement of this hearing, respondent submitted to urine screening for drugs and alcohol on or about June 29, 2009. The results of the screen were positive for the presence of alcohol. Dept. Exh. 5.

Discussion and Conclusions of Law

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Goldstar Medical Services, Inc., et al. v. Department of Social Services*, 288 Conn. 790 (2008); *Swiller v. Comm'r of Public Health*, CV-950705601, Superior Court, J.D. Hartford/New Britain at Hartford, October 10, 1995; *Steadman v. SEC*, 450 U.S. 91, 101 S. Ct. 999, *reh'g den.*, 451 U.S. 933 (1981). The Department sustained its burden of proof with regard to the allegations contained in paragraphs 1-9 of the Charges.

Section 20-99 of the Statutes provides, in pertinent part, that:

- (a) The Board . . . 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: . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals.

The Department sustained its burden of proof concerning all of the allegations in the Charges. Respondent admitted that during February 2009, she relapsed on alcohol, and that her abuse of alcohol does and/or may affect her practice as a licensed practical nurse. Tr. pp. 13, 14.

Respondent acknowledged that the Consent Order placed her license on probation for four years, that the Consent Order required that she submit to weekly random urine screens for the first year of the probationary period, and that on February 20 and 23, 2009. The Respondent admitted that she failed to submit to random urine screens after she was called for the screens.

The Board concludes that respondent's conduct as alleged in paragraphs 1-4, and 6-9 of the Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to §§ 20-99(b)(5) and 19a-17 of the Statutes.

Order

Based on the record in this case, the above findings of fact and conclusions of law, the Board hereby orders, with respect to license number 023618 held by Leona R. Bilodeau, as follows:

Respondent's license number 023618 to practice as a licensed practical nurse in the State of Connecticut is hereby revoked.

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

Dated at Hartford, Connecticut this 3rd day of March, 2010.

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Baynard

CERTIFICATION

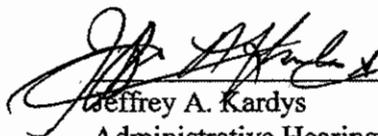
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 4th day of March 2010, by certified mail, return receipt requested, and first class mail to:

Leona Bilodeau
232 Woodland Street
Manchester, CT 06457

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and by E-Mail to:

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