

Eleanor Matyasovszky
166 Ryan Avenue
Stratford, CT 06497

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

State of Connecticut
Department of Public Health
vs.
Eleanor Matyasovszky, LPN
Licensed Practical Nurse License No. 024099
Respondent.

CASE PETITION NO. 971209-011-033

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 and Motion for Summary Suspension dated December 12, 1997 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Eleanor Matyasovszky (hereinafter the "Respondent") which would subject the Respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent presented a clear and immediate danger to public health and safety. On December 17, 1997, the Board ordered, pursuant to its authority under §4-182(c) and §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 December 17, 1997, scheduling a hearing for January 7, 1998 (Department Exhibit 1).

The hearing scheduled for January 7, 1998 was continued to February 18, 1998 at the request of the Respondent. The hearing scheduled for February 18, 1998 was continued to May 20, 1998 at the request of the Respondent's attorney.

The hearing took place on May 20, 1998, in the Town Council Chambers, Wethersfield Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

The Respondent nor her counsel were present during the hearing. (Hearing Transcript, May 20, 1998)

During the hearing the Department presented a First Amended Statement of Charges dated May 15, 1998. The Respondent submitted a written answer to the charges. (Department Exhibit 1, pp. 5-6)

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.

FACTS

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

1. The Respondent, was issued Licensed Practical Nurse License Number 024099 on June 3, 1991. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-A)

2. During 1997, while the holder of a licensed practical nurse license in the State of Connecticut, the Respondent illegally possessed drug paraphernalia and illegally possessed, sold and/or attempted to sell crack cocaine, cocaine and/or marijuana. (Department Exhibit 1-B) (Answer: Department Exhibit 1, p. 6)
3. During 1997, while the holder of a licensed practical nurse license in the State of Connecticut, the Respondent abused cocaine. (Answer: Department Exhibit 1, p. 6)

DISCUSSION AND CONCLUSIONS

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

Eleanor Matyasovszky 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 sufficiently provided legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut 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 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 Department bears the burden of proof by a preponderance of the evidence in this matter.

The First Amended Statement of Charges alleges that during 1997, while the holder of a licensed practical nurse in the State of Connecticut, the Respondent:

1. Illegally possessed drug paraphernalia, crack cocaine, cocaine and/or marijuana.
2. Illegally sold and/or attempted to sell crack cocaine, cocaine and/or marijuana.
3. Abused cocaine.

The Respondent admits these charges. (Answer: Department Exhibit 1, p. 6)

It is further alleged that the Respondent's abuse of cocaine does and/or may affect her practice as a licensed practical nurse. The Respondent did not answer this charge. Pursuant to §19-9-19 of the Regulations of Connecticut State Agencies the Board deems this charge to be admitted.

The General Statutes of Connecticut §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 its findings, the Board concludes that the Department has met its burden of proof by a preponderance of the evidence presented in this matter. The Board concludes that the Respondent's conduct as alleged in the First Amended Statement of Charges fails to conform to the accepted standards of the nursing profession and that the Respondent's abuse of cocaine constitutes a violation of the General Statutes of Connecticut §20-99(b)(5). The Board further concludes that the Respondent's abuse of cocaine does and/or may affect her practice as a licensed practical nurse. Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

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 the Respondent's licensed practical nurse license, No. 024099, is revoked effective 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, Eleanor Matyasovszky, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 16th day of September 1998.

BOARD OF EXAMINERS FOR NURSING

By 

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