

Diane Mondragon
20-F Flintock Road
Ledyard, CT 06339

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

State of Connecticut
Department of Public Health
vs.
Diane Mondragon, LPN
Licensed Practical Nurse License No. 024250
respondent.

CASE PETITION NO. 981014-011-028

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 October 19, 1998 (Dept. Exh. 3). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Diane Mondragon (hereinafter "respondent") which would subject 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 respondent presented a clear and immediate danger to public health and safety. On October 21, 1998, 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 respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 3.

The Board issued a Notice of Hearing dated October 21, 1998, scheduling a hearing for November 4, 1998. Dept. Exh. 3.

The hearing scheduled for November 4, 1998, was continued to allow time for notice to be delivered to respondent.

The Notice of Hearing and Statement of Charges were mailed by certified mail return receipt requested and by first class mail to respondent's address of record, but were returned as unclaimed and unable to forward (Dept. Exh. 1). Pursuant to a Consent Order dated November 19, 1997, placing respondent's licensed practical nurse license on probation, respondent was required to "notify the Board and the Department of any change in her home or business address within fifteen (15) days of such change." Dept. Exh. 3B-6.

The hearing took place on December 16, 1998, in Room 2A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Respondent was not present during the hearing and was not represented by counsel. Tr., December 16, 1998, p. 3.

During the hearing the Department submitted a Motion to Deem Allegations Admitted (Dept. Exh. 1). The Department's motion was granted. Tr., December 16, 1998, p. 7.

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 024250 on June 3, 1991. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 3-A.
2. Pursuant to a Consent Order dated November 19, 1997, respondent's licensed practical nurse license was placed on probation for a period of four years effective December 1, 1997 (Dept. Exh. 3-B). The probation was ordered due to the following conduct by respondent during 1996 and 1997:
 - a. Diversion of controlled substances from Norwichtown Convalescent Home, Norwich, Connecticut;
 - b. abuse and/or excessive use of controlled substances while on duty;
 - c. substituting sterile water for Morphine she diverted;
 - d. abuse and/or excessive use of controlled substances.
3. The conditions of probation placed on the license of respondent to practice as a licensed practical nurse license included the requirements that respondent engage in therapy and submit to random alcohol/drug screening for the entire probationary period. Dept. Exh. 3-B.
4. Since March 1998, respondent has failed to engage in therapy and has failed to submit to random urine screening. Dept. Exh. 2.

Conclusions of Law and Discussion

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

Diane Mondragon 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 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 Statement of Charges alleges that respondent has violated the terms of probation of her licensed practical nurse license as set forth in a Consent Order date November 19, 1997.

Respondent did not submit an Answer to the Statement of Charges. Pursuant to §19-9-20 of the Regulations of Connecticut State Agencies, the Board deems the allegations in the Statement of Charges to be admitted.

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

Based on its findings, the Board concludes that respondent's conduct as alleged in the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes a violation of the probation of respondent's licensed practical nurse license as set forth in the Consent Order dated November 19, 1997. Therefore, respondent's licensed practical nurse license 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:

Respondent's Licensed Practical Nurse License, No. 024250, 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 respondent, Diane Mondragon, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Wethersfield, Connecticut this 21st day of April 1999.

BOARD OF EXAMINERS FOR NURSING

By Margaret O. Hawley

CERTIFICATION

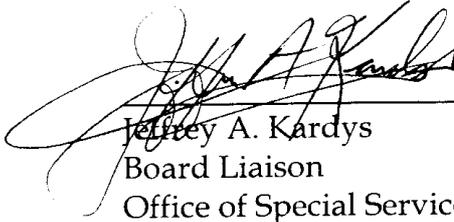
I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 22nd day of April 1999, by certified mail, return receipt requested, and first class mail to:

Diane Mondragon
20-F Flintock Raod
Ledyard, CT 06339

Certified Mail RRR #P505283630

and by inter-departmental mail to:

Stanley Peck, Director
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134



Jeffrey A. Kardys
Board Liaison
Office of Special Services - Adjudications