

# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

## PUBLIC HEALTH HEARING SECTION

June 15, 2011

Elizabeth Davis  
1109 Suffield Drive  
South Windsor, CT 06074

**Certified Mail 91-7108-2133-3932-0556-3368  
and First Class Mail**

Matthew Antonetti, Principal Attorney      **Via Email**  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
PO Box 340308  
Hartford, CT 06134-0308

**RE: Elizabeth Davis, LPN – Petition No. 2010-5486**

Dear Ms. Davis 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 Section

c: Michael J. Purcaro, Chief of Administration  
Wendy Furniss, Branch Chief, Healthcare Systems  
Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations  
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**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BOARD OF EXAMINERS FOR NURSING**

Elizabeth Davis, LPN  
License No. 024311

Petition No. 2010-5486

**MEMORANDUM OF DECISION**

*Procedural Background*

On November 5, 2010, the Department of Public Health ("the Department") filed a Statement of Charges ("the Charges") with the Board of Examiners for Nursing ("the Board"). Bd. Exh. 2. The Charges allege violations of Chapter 378 of the General Statutes ("the Statutes") by Elizabeth Davis ("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 attached to 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 November 17, 2010, 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"). Bd. Exh. 3.

On November 17, 2010, the Charges and a Notice of Hearing were sent to respondent by certified and first class mail. Bd. Exh.1. The hearing was held on December 1, 2010. At the hearing, respondent appeared pro se; the Department was represented by Attorney Diane Wilan. Tr. p. 1. Respondent orally answered the Charges on the record. Following the close of the record on November 17, 2010, 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 in the Charges*

1. In paragraph one, the Department alleges that respondent has been the holder of Connecticut licensed practical nurse license number 024311. Said license expired on or about March 31, 2007, and lapsed due to non-renewal.
2. In paragraph two, the Department alleges that on September 28, 2009, the Department signed a Reinstatement Consent Order in Petition number 2008-0501-011-028 ("the Order") that reinstated respondent's licensed practical nurse license, and placed her license on probation for a period of four years.
3. In paragraph three, the Department alleges that paragraph 3A of the Order requires that respondent engage in therapy and counseling sessions at least once every two weeks during the first year of her license probation.
4. In paragraph four, the Department alleges that during the first year of respondent's probation, she attended a total of nine therapy sessions.
5. In paragraph five, the Department alleges that paragraph 3B of the Order requires that respondent submit to observed random urine screens for drugs and alcohol, and that all of the urine screens must be negative for drugs and alcohol.
6. In paragraph six, the Department alleges that on August 13, 2010, respondent tested positive for Darvon.
7. In paragraph seven, the Department alleges that on August 17, 2010, respondent again tested positive for Darvon.
8. In paragraph eight, the Department alleges that the Respondent's conduct as described above constitutes violations of the terms of probation as set forth in the Reinstatement consent Order, and subjects respondent's license to revocation or other disciplinary action authorized by the General Statutes of Connecticut, §§ 19a-17 and 20-99(b).

*Findings of Fact*

1. Respondent admits the factual allegations in paragraphs one through seven of the Charges. Tr. 12/1/10, pp. 8-11.
2. Respondent has no explanation as to why she did not initially fulfill all the requirements of the Order. Tr. 12/1/10, p. 12.
3. Respondent has not attended Alcoholics Anonymous or Narcotics Anonymous to help her with the recovery process of addiction. Tr. 12/1/10, pp. 17-18.

***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). Respondent admitted the allegations, thus, the evidence is sufficient to establish the allegations.

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 . . . .

Respondent's conduct, as admitted, constitutes grounds for disciplinary action pursuant to §§ 20-99(b) 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 024311 held by Elizabeth Davis, as follows: Respondent's license number 024311 to practice as a licensed practical nurse in the State of Connecticut is hereby revoked.

This Memorandum of Decision becomes effective upon signature.

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

Dated at Hartford, Connecticut this 15th day of June 2011.

BOARD OF EXAMINERS FOR NURSING

By Patricia Bouffard  
Patricia Bouffard, R.N.

**CERTIFICATION**

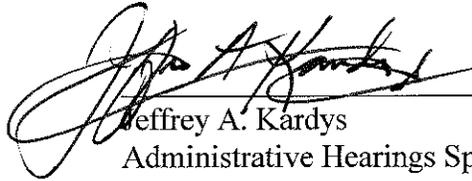
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 15<sup>th</sup> day of June 2011, by certified mail, return receipt requested and first class mail to:

Elizabeth Davis  
1109 Suffield Drive  
South Windsor, CT 06074

Certified Mail 91-7108-2133-3932-0556-3368

and via email to:

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