

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

Department of Public Health
vs.
Lori Bohlman, LPN Lic. No. 024341
Respondent

Petition No. 991103-01-033

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing ("the Board") was presented by the Department of Public Health ("the Department") with a Statement of Charges ("the Charges") and Motion for Summary Suspension dated December 3, 1999 (Dept. Exh. 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Lori Bohlman, LPN, ("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 Charges and the accompanying affidavits and reports, the Board found that respondent's continued practice of nursing presented a clear and immediate danger to public health and safety. On December 15, 1999, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that respondent's Licensed Practical Nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated December 15, 1999, scheduling a hearing for January 5, 2000. Dept. Exh. 1. Respondent was provided notice of the hearing and charges against her. Department Exhibit 2 indicates that the Notice of Hearing and the Charges were delivered by certified mail to respondent at her residence at 42 Rudolph Road, Bristol, Connecticut on December 30, 1999.

On January 4, 2000, respondent requested a continuance by telephone. Her request was denied, and respondent was informed that the hearing would proceed as scheduled. Transcript, January 5, 2000, pp. 3-4.

The hearing took place on January 5, 2000, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Respondent was not present during the hearing and was not represented by counsel. Transcript, January 5, 2000, p. 2.

Respondent did not submit an Answer to the Statement of Charges. Transcript, January 5, 2000, p. 4. During the hearing, the Department presented a Motion To Deem Allegations Admitted. Dept. Exh. 3. The Board granted the Department's Motion. Transcript, January 5, 2000, p. 4.

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 024341 on December 2, 1991. Respondent was the holder of said license at all times referenced in the Charges. Dept. Exh. 4-B.
2. At all relevant times, respondent was employed as a licensed practical nurse at Ingraham Manor, Bristol, Connecticut. Dept. Exh. 4-3.
3. From on or about July 1, 1999 to September 17, 1999, while working as a licensed practical nurse at Ingraham Manor, respondent diverted for her own personal use one or more of the following controlled substances: Vicodin (Hydrocodone), Darvocet (Propoxyphene), and Roxiprin (Oxycodone) and Lorazepam. Respondent signed out doses of controlled substances on controlled substance disposition records but did not make corresponding entries on medication administration records. Respondent admitted to Consumer Protection Drug Control Agents on September 17, 1999 that she diverted controlled substances from Ingraham Manor for her own use. Dept. Exh. 4-A-6.
4. In or about August and September 1999, respondent abused or utilized to excess various controlled substances. Dept. Exh. 1.
5. Respondent's abuse of controlled substances does, and/or many, affect her practice as a licensed practical nurse. Dept. Exh. 1.

Conclusions of Law and Discussion

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

Lori Bohlman held a valid Licensed Practical Nurse license in the State of Connecticut at all times referenced in the Charges. The Notice of Hearing and Statement of Charges provided sufficient 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, the 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.

PARAGRAPH 3 of the Charges alleges that between approximately August 1, 1999 and September 17, 1999, while working as a licensed practical nurse at Ingraham Manor, Bristol, Connecticut respondent:

- a. diverted various controlled substances, including but not limited to Vicodin (Hydrocodone), Darvocet (Propoxyphene), and Roxiprin (Oxycodone).;
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or
- c. falsified one or more Controlled Substance Receipt Records.

PARAGRAPH 4 of the Charges alleges that in or about August and September 1999, respondent has abused or excessively used various controlled substances.

PARAGRAPH 5 of the Charges alleges that respondent's abuse of controlled substances does, and/or may, affect her practice as a licensed practical nurse.

Respondent had the opportunity but did not submit an Answer to the Charges. Pursuant to §19-9-20 of the Regulations of Connecticut State Agencies the Board deems the allegations contained in Paragraphs 3, 4 and 5 of the Statement of Charges to be admitted. Transcript, January 5, 2000, p. 4.

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 . . .
- (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following: . . . (2) illegal conduct,

incompetence or negligence in performing usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics, or chemicals

Based on its findings, the Board concludes that respondent's conduct as alleged in paragraphs 3, 4, and 5 of the Charges is proven by a preponderance of the evidence presented. The Board further concludes that such conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2) and (5). 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: That for paragraphs 3, 4 and 5 of the Statement of Charges, respondent's Licensed Practical Nurse license no. 024341, 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, Lori Bohlman, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Wethersfield, Connecticut this 17 day of May 2000.

BOARD OF EXAMINERS FOR NURSING

By Nancy S. Rafael

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