

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BOARD OF EXAMINERS FOR NURSING**

Michelle Leonard, L.P.N.
License No. 025525

Petition No. 2010-5549

MEMORANDUM OF DECISION

Procedural Background

On November 17, 2010, 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"). Bd. Exh. 1. The Charges allege violations of Chapter 378 of the General Statutes ("the Statutes") by Michelle Quigley Leonard ("respondent") which would subject respondent's licensed practical nurse ("LPN") 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 December 1, 2010, pursuant to §§ 4-182(c) and 19a-17(c) of the Statutes, that respondent's LPN license be summarily suspended pending a final determination by the Board of the allegations contained in the Charges ("the Order"). Bd. Exh. 2. On December 7, 2010, the Charges, the Order, and a Notice of Hearing were served on respondent by State Marshal. Bd. Exh. 3.

The hearing was held on December 15, 2010. Respondent was neither present nor represented at the hearing. Tr. p. 2. The Department was represented by Attorney Ellen Shanley. Tr. p. 1. Respondent did not file an Answer to the Charges. During the hearing, the Board granted the Department's Motion to Deem the Allegations Admitted. Tr. p. 6-7. Following the close of the record on December 15, 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

1. In paragraph one of the Charges, the Department alleges that the respondent has been the holder of Connecticut LPN license number 025525.
2. In paragraph two of the Charges, the Department alleges that on March 4, 2009, the Board ordered a Consent Order in Petition Number 2007-0411-011-014 (“the Consent Order”) that placed respondent's LPN license on probation for a period of four years based on respondent's admitted diversions and abuse of controlled substances, and falsification of controlled substance records.
3. In paragraph three of the Charges, the Department alleges that the Consent Order requires that respondent engage in therapy and counseling with an approved therapist and submit to observed random urine screens for drugs and alcohol. Reports of such screens and therapy are to be supplied to the Department.
4. In paragraph four of the Charges, the Department alleges that from approximately May 2010 to October 2010, respondent:
 - a. failed to engage in required therapy and counseling with an approved therapist;
 - b. failed to ensure submission of required written reports from an approved therapist.
5. In paragraph five of the Charges, the Department alleges that from approximately April 2009 through February 2010 and/or in October 2010, respondent, on one or more occasions:
 - a. failed to submit to required observed, random urine screens; and/or
 - b. failed to ensure the submission of required laboratory reports of her urine screens for drugs and alcohol to the Department.
6. In paragraph six of the Charges, the Department alleges that respondent's conduct as described above constitutes violations of the terms of probation as set forth in the Consent Order, and subjects respondent's license to revocation or other disciplinary action authorized by the General Statute of Connecticut, §§ 19a-17 and 20-99(b).

Findings of Fact

1. The Department provided respondent with reasonable and adequate written notice of the allegations contained in the Statement of Charges. Board Ex. 3. Tr. pp. 3-4.
2. The factual allegations contained in paragraphs one through six are deemed admitted and true. Tr. p. 7.

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).

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 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 § 4-182(c) of the Statutes. Respondent did not submit an Answer to the Statement of Charges. Pursuant to §19a-9-20 of the Regulations of Connecticut State Agencies the Board deemed the allegations in the Charges to be admitted.

The allegations set forth in paragraphs 1 through and including 6 of the Charges were deemed to be admitted and true, and constitutes grounds for disciplinary action pursuant to §§ 20-99(b) and 19a-17 of the Statutes, as alleged in paragraph 6 of the Charges.

Order

Based on the record in this case, the above findings of fact and conclusions of law, the Board hereby orders that respondent's license number 025525 to practice as a licensed practical nurse in the State of Connecticut is hereby **REVOKED**.

The Board of Examiners for Nursing hereby informs respondent, Michelle Leonard, and the Department of Public Health of the State of Connecticut of this decision, which becomes effective on the date signed by the Board of Examiners for Nursing.

Dated at Hartford, Connecticut this 9th day of March 2011.

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Bouffard
Patricia Bouffard, R.N.