

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

Department of Public Health  
vs.  
Vincent Jones, III, LPN Lic. No. 025554  
respondent

Petition No. 990915-011-025

**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 (“the Charges”) and Motion for Summary Suspension dated December 13, 1999 (Dept. Exh. 2). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Vincent Jones III, LPN, (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 Charges and accompanying affidavits and reports, the Board found that the continued practice of nursing by respondent 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 Charges. Dept. Exh. 2.

The Board issued a Notice of Hearing dated December 15, 1999, scheduling a hearing for January 5, 2000. Dept. Exh. 2. Respondent was provided notice of the hearing and charges against him pursuant to General Statutes of Connecticut § 4-177(a) and (b). Department Exhibit 2 indicates that the Notice of Hearing and the Charges were mailed to respondent’s address of record by certified and first class mail.

The hearing took place on January 5, 2000, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Respondent was present during the hearing but was not represented by counsel. Transcript, January 5, 2000, pp. 2-3. During the hearing the Department presented a Motion To Deem Allegations Admitted based on respondent’s failure to file an Answer to the Statement of Charges. Dept. Exh. 4, Transcript, January 5, 2000, pp. 8, 15-17. Respondent was given the opportunity to answer the Charges on the record. The

Department's Motion to Deem Allegations Admitted was denied by the Board. Transcript, January 5, 200, pp. 18-19.

During the hearing, the Department verbally amended the Charges by withdrawing paragraph 3a. Transcript, January 5, 2000, p. 22.

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 025554 on August 12, 1994. Respondent was the holder of said license at all times referenced in the Charges. Dept. Exh. 2-A; Answer: Transcript, January 5, 2000, p. 18.
2. At all relevant times, respondent was employed as a licensed practical nurse by StarMed Health Care Personnel, East Hartford, Connecticut, and was assigned to work at Ingraham Manor, Bristol Connecticut. Dept. Exh. 2-C-3.
3. During July 1999, while working as a licensed practical nurse at Ingraham Manor, respondent failed to completely, properly, and/or accurately document medical or nursing home records. Dept. Exh. 2-C-3; Answer: Transcript, January 5, 2000, p.18.
4. During 1999, respondent abused or utilized to excess controlled substances and alcohol. Dept. Exh. 2-C-3; Transcript, January 5, 2000, pp.18, 67-69, 90-91.
5. As a result of his use of marijuana and cocaine, respondent's nursing skills were impaired while he was working as a licensed practical nurse at Ingraham Manor on July 31, 1999. On said date, respondent administered an incorrect dose of medication to a patient. Dept. Exh. 2-C-9.
6. Respondent has engaged in substance abuse treatment in 1993, 1996 and October 1999. Respondent Exh. 1; Transcript, January 5, 2000, pp. 72-76, 85-88.

### ***Conclusions of Law and Discussion***

In consideration of the above Findings of Fact, the following conclusions are rendered: Vincent Jones, III 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 the 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 his 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, as amended, alleges that during July 1999, while working as a licensed practical nurse at Ingraham Manor, Bristol, Connecticut, respondent failed to completely, properly and/or accurately document medical or nursing home records.

**PARAGRAPH 4** of the Charges alleges that during 1999, respondent abused or excessively used alcohol and controlled substances.

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

Respondent admits these allegations. Answer: Transcript, January 5, 2000, pp. 18-19

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: . . . (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 said conduct constitutes a violation of the General Statutes of Connecticut §20-99(b)(5). Therefore, respondent's Licensed Practical Nurse license is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut. The Board further concludes, based on respondent's testimony, that he lacks insight into his substances abuse problem and, therefore, requires a lengthy period of recovery prior to any return to the practice of nursing.

**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. 025554, 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, respondent Vincent Jones, III, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Wethersfield, Connecticut this 17<sup>th</sup> day of May 2000.

BOARD OF EXAMINERS FOR NURSING

By 

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