

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

Department of Public Health

Petition No. 2007-0215-011-007

vs.

Donna Long, LPN, Lic. No. 026608  
Respondent

**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 a Motion for Summary Suspension dated February 23, 2007. Dept. Exh. 1-tab 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Donna Long (hereinafter “respondent”) which would subject respondent’s licensed practical nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent’s continued nursing practice presented a clear and immediate danger to public health and safety. On March 7, 2007, 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-tab 1.

The Board issued a Notice of Hearing dated March 7, 2007, scheduling a hearing for March 21, 2007. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Notice of Hearing and Statement of Charges were served on respondent by State Marshal on March 14, 2007.

The hearing took place on March 21, 2007, at the Hartford Hospital – Newington Campus, 181 Patricia M. Genova Drive, Newington, Connecticut.

Respondent was present during the hearing but was not represented by counsel. Transcript. March 21, 2007, pp. 2-3.

During the hearing the respondent orally answered the Statement of Charges. Transcript, pp. 11-12.

Following the conclusion of the hearing, the Board ordered that the Summary Suspension of respondent's licensed practical nurse license, ordered on March 7, 2007, be vacated.

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 026608 on February 7, 1997. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Ex. 1-tab 3; Transcript, p.11.
2. Pursuant to a Memorandum of Decision dated March 2, 2005, the Board ordered that the respondent's nursing license be placed on probation for a period of four years. Such disciplinary action was based upon respondent's arrest for DWI, failure to drive in the proper lane, possession of marijuana, possession of a controlled substance and failure to keep drugs in a proper container as well as urine screens that tested positive for, among other substances; Phenobarbital, Cocaine, Norpropoxyphene, Benzoylcegonin and Propoxyphene Dept. Ex. 1-tab 2b; Transcript, pp.11-12.
3. Said Memorandum of Decision specifically provided that respondent's urine screens shall be negative for drugs and alcohol. Dept. Ex. 1-tab 2b; Transcript, p.12.
4. On January 25, 2007, respondent submitted to a urine screen, which tested positive for barbiturates and benzodiazepines. Dept. Ex. 1-tab 2a and 2d; Dept. Exh. 2; Transcript, p.12.

### *Conclusions of Law and Discussion*

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

Donna Long held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a 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 *Conn. Gen. Stat.* § 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 on or about January 25, 2007, the respondent tested positive for barbiturates and benzodiazepines and that said conduct constitutes a violation of the terms of probation as set forth in the Memorandum of Decision dated March 2, 2005.

Respondent admits the allegations in the Statement of Charges. Transcript, pp. 11-12.

The Department has therefore satisfied its burden of proof with respect to these allegations.

Based on its findings and respondent's admissions, 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 violates the terms of probation as set forth in the Memorandum of Decision dated March 2, 2005. Therefore, respondent's licensed practical nurse license is subject to disciplinary action pursuant to *Conn. Gen. Stat.* § 19a-17.

### ***Order***

Pursuant to its authority under *Conn. Gen. Stat.* §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

1. The probation of respondent's licensed practical nurse license number 026608, ordered pursuant to the Memorandum of Decision dated March 2, 2005, is extended until September 15, 2009.
2. The terms of probation set forth in Memorandum of Decision dated March 2, 2005, shall continue in full force or effect.
3. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take subsequent action. The Board shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall

be sent to respondent's address of record (most current address reported to the Office of Practitioner Licensing and Certification of the Department of Public Health or the Board).

4. This Memorandum of Decision becomes effective on the date signed by the Board of Examiners for Nursing.

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

Dated at Hartford, Connecticut this 18th day of July 2007.

BOARD OF EXAMINERS FOR NURSING

By 

**CERTIFICATION**

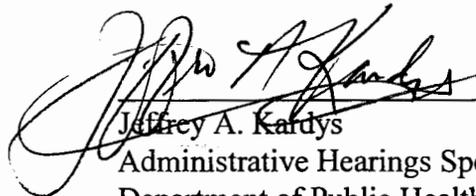
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 19<sup>th</sup> day of July 2007, by certified mail, return receipt requested and first class mail, to:

Donna Long  
6 Maple Row  
Bethel, CT 06801

Certified Mail RRR #9171082133393205513998

and by Inter-Departmental Mail to:

Stanley K. Peck, Section Chief  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
Hartford, CT 06134-0308



Jeffrey A. Kardys

Administrative Hearings Specialist/Board Liaison  
Department of Public Health  
Public Health Hearing Office



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

November 23, 2009

Donna Richiell, LPN  
92 Blueberry Hill Road  
Bridgewater, CT 06752

Re: Memorandum of Decision  
Petition No. 2007-0215-011-007  
License No. 026608

Dear Ms. Richiell:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective September 15, 2009.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Please be certain to retain a copy of this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process, and good luck to you in the future.

Very truly yours,

Bonnie Pinkerton, RN, Nurse Consultant  
Practitioner Licensing and Investigations Section

cc: J. Filippone  
J. Wojick



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