

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH**

Jacqueline Boccardi, LPN  
Lic. No. 027582

Petition No. 2007-1019-011-035

**MEMORANDUM OF DECISION**

***Procedural Background***

On March 27, 2008, 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"). Dept. Exh. 1. The Charges allege violations of certain provisions of Chapter 378 of the General Statutes ("the Statutes") by Jacqueline Boccardi ("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 accompanying 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 May 7, 2008, 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"). Dept. Exh. 1, p. A2.

On May 13, 2008, the Charges, the Order, and a Notice of Hearing were delivered to respondent by certified mail. Dept. Exh. 1, p. A4.

The hearing was held on May 21, 2008.

At the hearing, respondent appeared pro se; the Department was represented by Attorney Matthew Antonetti.

During the hearing, respondent orally answered the Charges. Trans. p. 8-11.

Following the close of the record on May 21, 2008, 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 Jacqueline Boccardi of Waterbury, Connecticut (hereinafter "respondent") is, and has been at all times referenced in this Statement of Charges, the holder of license number 027582 to practice as a licensed practical nurse.
2. In paragraph two of the Charges, the Department alleges that on various occasions during the course of 2005 through 2008, respondent abused and/or utilized to excess cocaine, heroin, and/or Xanax.
3. In paragraph three of the Charges, the Department alleges that respondent's abuse of benzodiazepines, opioids and/or cocaine does, and/or may, affect her practice as a licensed practical nurse.
4. In paragraph four of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99(b), including but not limited to §20-99(b)(5).

*Findings of Fact*

1. Respondent admits to the allegations in paragraph one; paragraph two as it pertains to cocaine and Xanax; and to paragraph three. Tr., pp. 9-10.
2. Respondent has a history of heroine use on or before 2004. Tr., pp. 19, 21 (sealed).
3. From August 28, 2007 through September 11, 2007, respondent engaged in treatment at the Alliance Treatment Center, Avon, Connecticut for opioid and sedative dependence. Respondent was discharged with recommendations for intensive outpatient treatment and participation in a 12-step program. Dept. Exh. 1-tab D (under seal).
4. From December 13, 2007 through January 4, 2008, respondent engaged in substance abuse detoxification and treatment at the Greater Bridgeport Community Mental Health Center Bridgeport, Connecticut subsequent to a three-day period of active drug use. Respondent was discharged with recommendations for intensive outpatient treatment and participation in a 12-step program. Dept. Exh. 1-tab D (under seal); Tr. p. 53 (sealed).
5. Respondent submitted to urine screening on February 7, 2008 and February 14, 2008. The results were positive for opiates and cocaine respectively. Dept. Exh. 1-tab B.

6. Respondent is participating in Narcotics Anonymous but has not begun an intensive outpatient treatment program. Tr., 55-56, 66, 72-73

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

The Department bears the burden of proof by a preponderance of the evidence in this matter. *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 admits to the allegations in paragraph one; paragraph two as it pertains to cocaine and Xanax; and to paragraph three the Charges.

Respondent denies paragraph two of the Charges as it pertains to heroine and the Department failed to sustain its burden of proof concerning this allegation.

§ 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 Board concludes that respondent's conduct as alleged in paragraph 2, with the exception of heroine, and paragraph 3 of the Charges, and as admitted by respondent, constitutes grounds for disciplinary action pursuant to §§ 20-99(b)(5), and 19a-17 of the Statutes.

Respondent has not presented sufficient evidence that she has engaged in meaningful substance abuse treatment and prevention. The Board concludes that respondent is not able to practice nursing with reasonable skill and safety at this time.

**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 027582 held by Jacqueline Boccardi, as follows:

1. Respondent's license number 027582, to practice as a licensed practical nurse in the State of Connecticut is hereby revoked.

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

Dated at Hartford, Connecticut this 3rd day of September 2008.

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Bayfield

**CERTIFICATION**

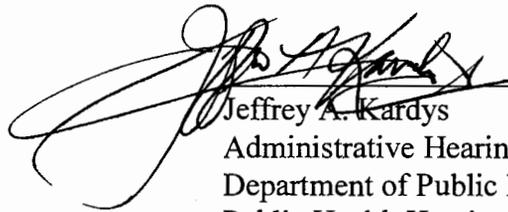
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 3rd day of September 2008, by certified mail, return receipt requested and first class mail, to:

Jacqueline Boccardi  
230 New Haven Avenue  
Waterbury, CT 06708

Certified Mail RRR #91 7108 2133 3932 0551 0216

and by Inter-Departmental Mail to:

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



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Jeffrey A. Kardys  
Administrative Hearings Specialist/Board Liaison  
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