

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

Department of Public Health

Petition No. 2002-1226-011-054

vs.

Opal Brouillet, LPN, Lic. No. 027843  
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 Motion for Summary Suspension dated January 30, 2003. Dept. Exh. A. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Opal Brouillet (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 February 5, 2003, 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. A.

The Board issued a Notice of Hearing dated February 5, 2003, scheduling a hearing for February 19, 2003. Dept. Exh. A. The Summary Suspension Order, Notice of Hearing and Statement of Charges were sent to respondent by certified and first class mail

The hearing scheduled for February 19, 2003 was continued until March 5, 2003. Transcript, February 19, 2003, pp. 7-9.

The Board issued a Notice of Rescheduled Hearing dated February 20, 2003, scheduling the hearing for March 5, 2003. The Notice of Rescheduled Hearing was sent to respondent by certified and first class mail. Board Exh. 1.

Attempts by State Marshal to serve notice on respondent were not successful. Transcript, March 5, 2003, pp.2-3.

The Board concludes that sufficient attempts were made to provide respondent with the Notice of Hearing and Statement of Charges.

The hearing on March 5, 2003 took place at the Hartford Hospital Newington Campus, Curtis Building Amphitheater, 181 Patricia M. Genova Drive, Newington, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, March 5, 2003, p. 3.

Respondent did not submit an Answer to the Statement of Charges. At the hearing, the Department moved to deem the allegations admitted; the Board granted the motion to deem allegations admitted. Dept. Exh. B; Transcript, March 5, 2003, p. 10.

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 027843 on October 22, 1999. Respondent was the holder of said license at all times referenced under the First Count in the Statement of Charges. Dept. Exh. A(B).
2. While working as a licensed practical nurse at Gaylord Hospital, Wallingford, Connecticut, from September 2002 to October 2002, respondent fraudulently obtained Oxycontin, Oxycodone and Dilaudid, and abused or utilized these substances to excess. Dept. Exh. A(A)
3. Respondent's abuse of Oxycontin, Oxycodone and/or Dilaudid, does, and/or may, affect her practice as a licensed practical nurse. Dept. Exh. B.
4. Respondent's licensed practical nurse license lapsed, due to non-renewal, from October 31, 2000 to June 20, 2002. Dept. Exh. A(B).
5. From November 2000 through April 2001, while respondent's license as a licensed practical nurse was lapsed, she continued to work as a licensed practical nurse at Cheshire Greenery a.k.a. Lakeside Manor. Dept. Exh. A(C5); Transcript, March 5, 2003, p. 10.

### *Conclusions of Law and Discussion*

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

Opal Brouillet is the holder of a licensed practical nurse license in the State of Connecticut.

The 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).

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 deems the allegations in the First Count and Second Count of the Statement of Charges to be admitted.

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 the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§20-99(b)(2), (5) and 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:

Respondent's licensed practical nurse license number 027843 is revoked effective the date this Memorandum of Decision is signed by the Board.

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

Dated at Hartford, Connecticut this 16th day of July 2003.

BOARD OF EXAMINERS FOR NURSING

By 