

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

Samara DiMeola
RE: Licensed Practical Nurse Lic. No. 028116

Petition No. 2008-0116-011-007

MEMORANDUM OF DECISION

Procedural Background

Samara DiMeola (hereinafter "petitioner") was issued licensed practical nurse license number 028116 on August 1, 2000.

Pursuant to Memoranda of Decision dated February 19, 2003, the Board of Examiners for Nursing (hereinafter "the Board") ordered the revocation of petitioner's licensed practical nurse license.

In a letter dated October 10, 2007, petitioner requested that the Board reinstate her licensed practical nurse license.

Pursuant to Petitioner's request, the Board issued a Notice of Hearing dated December 21, 2007, scheduling a hearing for May 21, 2008. Resp. Exh. A.

The hearing took place on May 21, 2008, at the Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Petitioner was present at the hearing but was not represented by counsel. Transcript, May 21, 2008.

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 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. Pursuant to Memoranda of Decisions dated February 19, 2003, in Petition No. 2002-0208-011-004 and 2002-0710-011-030 the Board ordered the revocation of petitioner's licensed practical nurse license. The orders were based on the Board's findings of petitioner's abuse of controlled substances and petitioner's continued practice of nursing while her license was summarily suspended. Resp. Exh. A.; Tr., p. 14.

2. Petitioner has a criminal history dating to May 2002. Petitioner was last incarcerated in 2006. Dept. Exh. 1; Resp. Exh. A.; Tr., p.21.
3. From on or about November 27, 2006 through March 10, 2007, petitioner underwent chemical dependency treatment that was provided by Rushford Center Incorporated, Middletown, Connecticut. Petitioner was discharged with recommendations for attendance in a 12-step program and mental health outpatient treatment. Resp. Exh. A., pp.13-19 - sealed.
4. Following her discharge from Rushford Center, petitioner engaged in outpatient treatment at The Connection, Middletown, Connecticut. Petitioner's last group therapy session was on October 17, 2007. Resp. Exh. A., p.12 - sealed.
5. Petitioner has participated in urine drug and alcohol screening through the office of Adult Probation. Results have been negative for the presence of alcohol and/or drugs. There are no reports of urine drug and alcohol screening subsequent to June 11, 2007. Resp. Exh. A., p. 20 - sealed.
6. Petitioner has been employed at Dunkin Donuts, Middletown, Connecticut. Petitioner's employer indicates that petitioner has consistently met the objectives of her position. Resp. Exh. A., p.11.

Discussion and Conclusions of Law

As stated in the Notice of Hearing, petitioner has the burden of satisfying the Board that she is able to practice as a licensed practical nurse with reasonable skill and safety by presenting relevant evidence at the hearing, including the following:

1. Evidence from a licensed therapist documenting her drug free status and participation in therapy and counseling;
2. Personal references addressing her drug free status, emotional health, and work habits;
3. Documentary evidence from her current and past employers;
4. Documentary evidence of random, legally defensible screens for drugs and alcohol conducted by a therapist or physician;
5. Documentation of participation in support groups.

Although petitioner has provided evidence that she has engaged in outpatient treatment, petitioner has not presented evidence that said treatment has continued past October 2007. In addition, petitioner has not presented sufficient and current evidence that she has continued to remain drug free.

The Board finds that the petitioner has not presented sufficient relevant and credible evidence to sustain her burden of satisfying the Board of her ability to return to the practice of nursing at this time.

Order

Pursuant to its authority under § 19a-17(d) of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders that the petition of Samara DiMeola, for reinstatement of her licensed practical nurse number 028116 is hereby DENIED.

The Board of Examiners for Nursing hereby informs petitioner, Samara DiMeola, and the Department of Public Health of the State of Connecticut of this decision.

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

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Bufford

CERTIFICATION

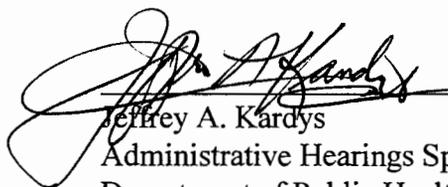
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 4th day of December 2008, by certified mail, return receipt requested and first class mail, to:

Samara DiMeola
50 Loveland Street
Middletown, CT 06457

Certified Mail RRR #91-7108-2133-3932-0551-0225

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



Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Department of Public Health
Public Health Hearing Office