

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING SECTION

September 23, 2011

Jennifer Greco
151 Cliff Street, Apt. A.
Norwich, CT 06360

Certified Mail 91-7108-2133-3932-0556-3290

Matthew Antonetti, Principal Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

Via Email

RE: Jennifer Greco, LPN– Petition No. 2010-6739

Dear Ms. Greco and Attorney Antonetti:

Enclosed please find a copy of the Memorandum of Decision issued by the **Board of Examiners for Nursing** in the above-referenced matter.

Sincerely,

Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Public Health Hearing Section

c: Wendy Furniss, Branch Chief, Healthcare Systems
Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations
Bonnie Pinkerton, RN, Nurse Consultant, Department of Public Health
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**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Jennifer Greco, LPN
License No. 028595

Petition No. 2010-5739

MEMORANDUM OF DECISION

Procedural Background

On March 30, 2011, the Department of Public Health ("the Department") filed a Statement of Charges ("the Charges") with the Board of Examiners for Nursing ("the Board"). Bd Exh. 3. The Charges allege violations of Chapter 378 of the General Statutes ("the Statutes") by Jennifer Greco ("respondent") which would subject respondent's licensed practical nurse license to disciplinary action pursuant to §§ 19a-17 and 20-99(a) of the Statutes.

Based on the allegations in the Charges and the affidavits and reports attached to 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 April 6, 2011, 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"). Bd Exh. 2.

On April 11, 2011, the Charges, the Order, and a Notice of Hearing were sent to respondent by certified and first class mail and served by state marshal. Bd Exh. 1. Respondent did not file an Answer to the Charges. Tr. p. 3. The hearing was held on April 20, 2011. Respondent was neither present nor represented at the hearing. Tr. p. 2. Attorney Matthew Antonetti represented the Department. Tr. p. 2. During the hearing, the Board granted the Department's oral Motion to Deem the Allegations Admitted. Tr. p. 4. Following the close of the record on April 20, 2011, 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 in the Charges

1. In paragraph one, the Department alleges that respondent is, and has been at all times referenced in the Charges, the holder of Connecticut licensed practical nurse license number 028595.
2. In paragraph two, the Department alleges that on or about July 21, 2010, the Board ordered a Memorandum of Decision in Petition No. 2009-0408-011-017 ("the Decision") that suspended respondent's licensed practical nurse license until September 3, 2010, and placed it on probation thereafter for a period of four years. Such disciplinary action was based upon respondent's abuse or excessive use of controlled substances and criminal conviction.

3. In paragraph three, the Department alleges that the Decision required that during the four-year period of probation, respondent submit to observed random urine screens for drugs and alcohol and ensure that reports of the screens be supplied to the Department.
4. In paragraph four, the Department alleges that during the course of approximately September 3, 2010 through March 30, 2011, respondent, on one or more occasions:
 - a. failed to submit to required observed, random urine screens; and/or,
 - b. failed to ensure the submission of required laboratory reports of her urine screens for drugs and alcohol to the Department.
5. In paragraph five, the Department alleges that during the course of approximately January 1, through February 25, 2011, respondent:
 - a) failed to engage in required therapy and counseling; and/or,
 - b) failed to ensure submission of required monthly, written reports from an approved therapist.¹
6. In paragraph six, the Department alleges that respondent's conduct, as described above, constitutes violations of the terms of probation as set forth in the Decision,² and subjects respondent's license to revocation or other disciplinary action authorized by §§ 19a-17 and 20-99(b) of the Statutes.

Findings of Fact

1. The Department provided respondent with reasonable and adequate written notice of the allegations contained in the Statement of Charges. Bd Exh. 1; Tr. p. 3.
2. Respondent did not file an Answer. Tr. p. 3.
3. The factual allegations contained in paragraphs 1-5 are deemed admitted and true. Tr. p. 4.

Discussion and Conclusions of Law

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Goldstar Medical Services, Inc., et al. v. Department of Social Services*, 288 Conn. 790 (2008); *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).

Section 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

¹ While not alleged, the Decision also required that respondent engage in therapy and ensure the provision of periodic reports from her therapist.

² The Charges reference a Consent Order, but as alleged in ¶2 and established by the record, the prior order was a Memorandum of Decision.

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

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 a registered nurse license as required by § 4-182(c) of the Statutes.

Respondent did not submit an Answer to the Charges. Pursuant to § 19a-9-20 of the Regulations of Connecticut State Agencies, the Board deemed the allegations in the Charges to be admitted.

The Board concludes that respondent's conduct as alleged in paragraphs one through six of the Charges are deemed to be admitted and true, and constitute sufficient grounds for disciplinary action pursuant to §§ 20-99(a) and 19a-17 of the Statutes.

Order

Based on the record in this case, the above findings of fact and conclusions of law, the Board hereby orders that respondent's license number 028595 to practice as a licensed practical nurse in the State of Connecticut is hereby **REVOKED**.

The Board of Examiners for Nursing hereby informs respondent, Jennifer Greco, and the Department of Public Health of the State of Connecticut of this decision, which becomes effective on the date signed by the Board of Examiners for Nursing.

Dated at Hartford, Connecticut this 21st day of September, 2011.

BOARD OF EXAMINERS FOR NURSING

By Patricia E Bouffard
Patricia Bouffard, Chairperson

CERTIFICATION

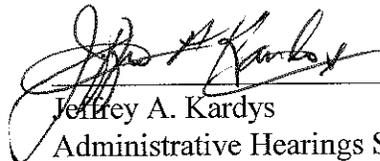
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 23rd day of September 2011, by certified mail, return receipt requested and first class mail to:

Jennifer Greco
151 Cliff Street, Apt. A.
Norwich, CT 06360

Certified Mail 91-7108-2133-3932-0556-3290

and via email to:

Matthew Antonetti, Principal Attorney
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
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Jeffrey A. Kardys
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