

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

Matthew Dallachie, L.P.N.
License No. 029702

Petition No. 2012-30

MEMORANDUM OF DECISION

Procedural Background

On January 26, 2012, 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"). Bd. Exh. 1-2. The Charges allege violations of Chapter 378 of the General Statutes (the "Statutes") by Matthew Dallachie ("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 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 February 1, 2012, 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 February 1, 2012, the Charges, the Order, and a Notice of Hearing, scheduling a hearing for February 15, 2012, were sent to Respondent by certified and first class mail and via email. Bd. Exh. 4. A USPS tracking document confirmed that notice was left with Respondent on February 2, 2012. Bd. Exh. 5. Confirmation was provided by the State Marshal that in-hand service was made to Respondent on February 4, 2012. Bd. Exh. 6.

During the hearing on February 15, 2012, Respondent requested a continuance to obtain legal representation. The continuance was granted and the hearing was rescheduled to April 18, 2012. Tr. p.5-7 (Feb. 15, 2012).

On February 16, 2012 a notice of the rescheduled hearing was sent to Respondent by certified and first class mail. The certified mailing was returned as unclaimed on March 14, 2012. Bd. Exh. 7. The first class mailing was not returned.

Respondent was not present during the hearing on April 18, 2012. The Department was represented by Attorney Ellen Shanley. Tr., p. 2. (Apr. 18, 2012).

Respondent did not file an answer (“Answer”) to the Charges. Tr., p. 3. (Apr. 18, 2012). During the hearing, the Board granted the Department’s Motion to Deem the Allegations Admitted. Bd. Exh. 8; Tr., p. 6-7. (Apr. 18, 2012). Following the close of the record on April 18, 2012 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 Respondent is, and has been at all times referenced in this Statement of Charges the holder of Connecticut licensed practical nurse license number 029702.
2. In paragraph two of the Charges, the Department alleges that during October 2006, the the Board ordered a Consent Order in petition Number 2005-0930-011-038 (the “Consent Order”) that placed Respondent’s licensed practical nurse license on probation for a period of four years. Such disciplinary action was based upon allegations of diversion of controlled substances, and falsification of controlled substance records. During December 2010, the Board ordered a Memorandum of Decision in Petition Number 2010-353 (the “Decision”) that extended the licensure probation for a period of two years.
3. In paragraph three of the Charges, the Department alleges that said Decision specifically provided that during the two year period of probation, Respondent shall submit to observed random urine screens for drugs and alcohol. Reports of such screens are to be supplied to the Department.
4. In paragraph four of the Charges, the Department alleges that said Decision specifically provided that during the two year period of probation, Respondent shall attend therapy sessions. Reports of such therapy sessions are to be supplied to the Department.
5. In paragraph five of the Charges, the Department alleges that during the course of approximately October 1, 2011 through January 12, 2012, Respondent, on one or more occasion:
 - a. failed to submit to required observed, random urine screens; and/or,
 - b. failed to ensure the submission of required laboratory reports of his urine screens for drugs and alcohol to the Department.

6. In paragraph six of the Charges, the Department alleges that during the court of approximately November 15, 2011 through January, 12, 2012 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.
7. In paragraph seven of the Charges, the Department alleges that Respondent's conduct as described above constitutes violations of the terms of probation as set forth in the Consent Order, and subjects Respondent's license to revocation or other disciplinary action authorized by the General Statutes of Connecticut, §§ 19a-17, and 20-99(b).

Findings of Fact

1. Respondent was provided with reasonable and adequate written notice of the hearing and the allegations contained in the Statement of Charges. Bd. Exhs. 3-7.
2. Respondent did not file an Answer. Tr., p. 6. (Apr. 18, 2012).
3. The factual allegations contained in the allegations were deemed admitted as true. Bd. Exh. 8; Tr., p. 7. (Apr. 18, 2012).

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).

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 his license as required by § 4-182(c) of the Statutes. 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 deemed the allegations in the Charges to be admitted.

The Board concludes that Respondent's conduct as alleged in the Charges and deemed to be admitted and true, constitutes grounds for disciplinary action pursuant to §§ 20-99(b) and 19a-17 of the Statutes.

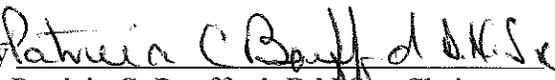
Order

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 029702 to practice as a licensed practical nurse in the State of Connecticut is hereby **REVOKED**.

The Board of Examiners for Nursing hereby informs Respondent, Matthew Dallachie, 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 3rd day of October, 2012.

BOARD OF EXAMINERS FOR NURSING

By 
Patricia C. Bouffard, D.N.S., Chair

CERTIFICATION

I hereby certify that, pursuant to Connecticut General Statutes Section 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 4th day of October 2012, certified mail return receipt requested and first class mail to:

Matthew Dallachie
10 Candlewood Drive
Milford CT 06460

and E-Mail to:

Matthew Antonetti, Principal Attorney
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Janice E. Wojick, Hearings Liaison