

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

Michael R. Gore, LPN  
License No. 029848

Petition No. 2009-20091253

**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 an Interim Consent Order executed by Michael R. Gore (hereinafter "respondent") and the Department. The Interim Consent Order provided for the licensed practical nurse license of respondent to be suspended pending the Department's investigation of allegations concerning respondent's ability to practice nursing. The Interim Consent Order was accepted by the Board on December 16, 2009. Board Exh. 3.

On June 16, 2011, the Department filed a Statement of Charges. Board Exh. 1. The Charges allege violations of Chapter 378 of the General Statutes ("the Statutes") by respondent which would subject respondent's licensed practical nurse license to disciplinary action pursuant to §§ 19a-17 and 20-99(b) of the Statutes.

On July 20, 2011, the Charges and a Notice of Hearing, scheduling a hearing for September 7, 2011, were sent to respondent by certified and first class mail. The certified mailing was returned marked as unclaimed, the first class mailing was not returned. Board Exh. 2.

Respondent notified the Department on September 6, 2011 that he would not be attending the hearing. Tr. pp. 5-7; Board Exh. 5.

The hearing was held on September 7, 2011. Respondent was not present or represented at the hearing; the Department was represented by Attorney Ellen Shanley. Tr. p. 2.

Respondent did not file an Answer to the Charges. During the September 7, 2011 hearing, the Board granted the Department's Motion to Deem the Allegations Admitted. Board Exh. 4; Tr. pp. 7-8.

Following the close of the record on September 7, 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*

1. In paragraph one of the Charges, the Department alleges that Michael R. Gore of West Haven, Connecticut (hereinafter "respondent") is the holder of Connecticut licensed practical nurse license number 029848.
2. In paragraph two of the Charges, the Department alleges that during July 2009, respondent was employed as a licensed practical nurse at South Central Rehabilitation Center (hereinafter "South Central Rehab"), New Haven, Connecticut.
3. In paragraph three of the Charges, the Department alleges that on or about July 14, 2009, while working as a licensed practical nurse at South Central Rehab, respondent:
  - a. diverted lorazepam;
  - b. failed to completely, properly and/or accurately document medical records; and/or,
  - c. falsified one or more Controlled Substance Receipt Records.
4. In paragraph four of the Charges, the Department alleges that on or about July 15, 2009, respondent reported to work at South Central Rehab in an impaired and/or disoriented state.
5. In paragraph five of the Charges, the Department alleges that during 2009, respondent abused and/or or utilized to excess controlled substances.
6. In paragraph six of the Charges, the Department alleges that respondent's abuse of controlled substances and/or physical illness does, and/or may, affect his practice as a licensed practical nurse.
7. The above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-99(b), including but not limited to:
  - a. §20-99(b)(2);
  - b. §20-99(b)(3); and/or,
  - c. §20-99(b)(5).

### *Findings of Fact*

1. The Department provided respondent with reasonable and adequate notice of the hearing and the allegations contained in the Statement of Charges. Tr. pp. 6-7.
2. Respondent is the holder of Connecticut licensed practical nurse license number 029848. Said license expired on January 31, 2010.<sup>1</sup>
3. Respondent did not file an Answer. Board Exh. 4.
4. The factual allegations contained in paragraphs two through six of the Charges are deemed admitted and true. Board Exhibit 4.

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<sup>1</sup> The Board's jurisdiction to adjudicate this case is established by § 19a-14a of the Statutes, which provides that for the purposes of an investigation or imposition of disciplinary action, an expired license is considered valid if the investigation or the disciplinary action is commenced within 18 months of the person's having held a valid license. In the instant case, respondent's license expired on January 31, 2010. Tr. p. 22. The Charges were filed July 20, 2011. Thus, both actions occurred within 18 months of the date respondent's license expired.

***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 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) . . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions;
- (3) physical illness or loss of motor skill, including but not limited to deterioration through the aging process;
- (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; . . .

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 paragraphs one through four of 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 029848 to practice as a licensed practical nurse in the State of Connecticut is hereby **REVOKED**.

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

Dated at Hartford, Connecticut this 1st day of February, 2012.

BOARD OF EXAMINERS FOR NURSING

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

**CERTIFICATION**

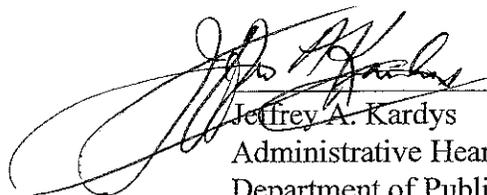
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 2nd day of February 2012, by certified mail, return receipt requested and first class mail to:

Michael Gore  
943 First Avenue  
West Haven, CT 06516

Certified Mail 91-7108-2133-3936-6420-2525

and via email to:

Matthew Antonetti, Principal Attorney  
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  
Department of Public Health  
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