



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING SECTION

September 23, 2011

Belinda Garnett
64 Carriage Drive
Naugatuck, CT 06770

Certified Mail 91-7108-2133-3932-0556-3313
and First Class Mail

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

Via Email

RE: Belinda Garnett, LPN– Petition No. 2010-5620

Dear Ms. Ryerson 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
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**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Belinda Garnett
License No. 031011

Petition No. 2010-5620

MEMORANDUM OF DECISION

Procedural Background

On January 5, 2011, 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. The Charges allege violations of Chapter 378 of the General Statutes ("the Statutes") by Belinda Garnett ("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 January 19, 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. 1.

On January 19, 2011, the Charges, the Order, and a Notice of Hearing were sent to respondent by certified and first class mail. Bd Exh. 1. On January 26, 2011, the Charges, the Order, and a Notice were also served at respondent's usual place of abode at: 64 Carriage Drive; Naugatuck, Connecticut by State Marshall. Bd Exh. 1.

After one continuance, the hearing was held on March 2, 2011. At the hearing, respondent appeared pro se; the Department was represented by Attorney Diane Wilan. Tr. p. 2. Respondent orally answered and admitted the Charges during the hearing. Tr. pp. 4-6. The Board conducted fact finding on April 6, 2011.

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 the holder of Connecticut licensed practical nurse license number 031011.
2. In paragraph two, the Department alleges that in a Memorandum of Decision dated May 20, 2009, in Petition No. 2008-0730-011-039 (“the Decision”), respondent’s license was suspended for a period of six months with concurrent probation and followed by an additional probationary period of four years. The Decision was based on findings that respondent diverted and abused oxycodone in or about March through May 2008.
3. In paragraph three, the Department alleges that the Decision requires, in part, that respondent submit to random urine screens for drugs and alcohol during the probationary period.
4. In paragraph four, the Department alleges that during June through November 2010, on one or more occasions, respondent failed to submit to random urine screens for drugs or alcohol as required by the Decision.
5. In paragraph five, the Department alleges that respondent’s conduct as described above constitutes a violation of the terms of probation as set forth in the Decision, 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. Respondent is the holder of Connecticut LPN license number 031011. Tr. p. 5.
2. The factual allegations in paragraphs one through paragraph four are established by the evidence in the record (*i.e.*, respondent admits all allegations). Tr. pp. 4-6.

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

Respondent admits the factual allegations in paragraphs one through paragraph four. The Board concludes that respondent's conduct as alleged and admitted by respondent violates the terms of license probation and constitutes 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, with respect to licensed practical nurse license number 031011 held by Belinda Garnett, as follows:

1. Respondent's license number 031011 to practice as a licensed practical nurse in the State of Connecticut is hereby **REVOKED**.

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

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

BOARD OF EXAMINERS FOR NURSING

By Patricia 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:

Belinda Garnett
64 Carriage Drive
Naugatuck, CT 06770

Certified Mail 91-7108-2133-3932-0556-3313

and via email to:

Matthew Antonetti, Principal Attorney
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