



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING OFFICE

April 8, 2010

Erica Hill  
186 Broadbrook Road  
Enfield, CT 06082

Certified Mail RRR #91-7108-2133-3932-0555-2355

Matthew Antonetti, Principal Attorney      Via Email  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
PO Box 340380  
Hartford, CT 06134-0308

**RE: Erica Hill, LPN - Petition No. 2009-2007656**

Dear Ms. Hill 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,

A handwritten signature in black ink, appearing to read "Jeffrey A. Kardys".

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

- c: Michael J. Purcaro, Management Team Leader, Administrative Branch  
Wendy Furniss, Branch Chief, Healthcare Systems  
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**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH**

Erika Hill, LPN  
License No. 031050

Petition No. 2007-2007656

**MEMORANDUM OF DECISION**

*Procedural Background*

On or about August 24, 2009, the Department of Public Health ("the Department") presented a Motion for Summary Suspension ("the Motion") and a Statement of Charges ("the Charges") to the Board of Examiners for Nursing ("the Board"). Dept. Exh. 1. The Charges allege violations of certain provisions of Chapter 378 of the General Statutes ("the Statutes") by Erika Hill ("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 accompanying the Motion, the Board found that the respondent's continued nursing practice presented a clear and immediate danger to public health and safety and ordered, on September 2, 2009, pursuant to §§ 4-182(c) and 19a-17(c) of the Statutes, that the 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"). Dept. Exh. 1.

The Charges, the Order, and a Notice of Hearing were sent to respondent by certified and first class mail on September 2, 2009. Dept. Exh. 1. On September 16, 2009, a hearing was held. Respondent was not present and was not represented by an attorney. Attorney Leslie Scoville represented the Department. Tr. p. 2. Respondent did not submit an Answer to the Charges. During the hearing, the Department moved to have the Allegations Deemed Admitted, and the Board granted the motion. Tr. pp. 8-9. Following the close of the record, 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. Paragraphs one, seven, and thirteen of the Charges allege that Erica Hill is, and has been at all times referenced in this Charges, the holder of Connecticut licensed practical nursing license number 031050.

***First Count***

2. Paragraph two of the Charges alleges that during November 2007, respondent was employed as a licensed practical nurse at Kettlebrook Care Center in East Windsor, Connecticut ("Kettlebrook").
3. Paragraph three of the Charges alleges that during November 2007, while working as a licensed practical nurse at Kettlebrook, respondent:
  - a. Diverted oxycodone;
  - b. Failed to completely, properly and/or accurately document medical or hospital records; and/or
  - c. Falsified one or more Controlled Substance Receipt Records.
4. Paragraph four of the Charges alleges that during November 2007, respondent abused or utilized to excess oxycodone.
5. Paragraph five of the Charges alleges that respondent's abuse of oxycodone does, and/or may, affect her practice as a licensed practical nurse.
6. Paragraph six of the Charges alleges that the above facts constitute grounds for disciplinary action pursuant to the Statutes § 20-99(b), including but not limited to §§ 20-99(b)(2) and/or 20-99(b)(5).

***Second Count***

7. Paragraph eight of the Charges alleges that during November 2007, respondent was employed as a licensed practical nurse at Evergreen Health Care Center in Stafford Springs, Connecticut ("Evergreen").
8. Paragraph nine of the Charges alleges that on about November 18, 2007, while working as a licensed practical nurse at Evergreen, respondent submitted to a urine screen test. Said urine screen test result was positive for oxycodone.
9. Paragraph ten of the Charges alleges that during November 2007, respondent abused or utilized to excess oxycodone.
10. Paragraph eleven of the Charges alleges that respondent's abuse of oxycodone does, and/or may, affect her practice as a licensed practical nurse.
11. Paragraph twelve of the Charges alleges that the above facts constitute grounds for disciplinary action pursuant to the Statutes § 20-99(b), including but not limited to §§ 20-99(b)(2) and/or 20-99(b)(5).

***Third Count***

12. Paragraph fourteen of the Charges alleges that from about April 2009 through about July 2009, respondent abused or utilized to excess oxymorphone.
13. Paragraph fifteen of the Charges alleges that respondent's abuse of oxymorphone does, and/or may, affect her practice as a licensed practical nurse.
14. Paragraph sixteen of the Charges alleges that the above facts constitute grounds for disciplinary action pursuant to the Statutes § 20-99(b), including but not limited to §§ 20-99(b)(2) and/or 20-99(b)(5).

***Findings of Fact***

1. The factual allegations contained in paragraphs one through five of count one, seven through eleven of count two, and thirteen through fifteen of count three of the Charges are deemed admitted and true. Tr., pp. 8-9.

***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. v. Department of Social Services*, 288 Conn. 790 (2008); *Swiller v. Comm'r of Public Health*, Superior Court, judicial district of Hartford/New Britain at Hartford, Docket No. 705601 (October 10, 1995, *Hodgson, J.*); *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) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following: . . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals. . . .

Respondent did not file an answer to the Charges and did not appear at the hearing. Pursuant to § 19a-9-20 of the Regulations of Connecticut State Agencies, the Board deemed the factual allegations contained in paragraphs one, two, three, four, five, seven, eight, nine, ten,

eleven, thirteen, fourteen and fifteen of the Charges admitted based upon the respondent's failure to file an answer to the Charges. The Board finds that the respondent's conduct as alleged in counts one, two and three of the Charges violated Conn. Gen. Stat. §§ 20-99(b)(2) and 20-99(b)(5) and subjects the respondent's licensed practical nurse license to disciplinary action pursuant to §§ 19a-17 and 20-99(b) 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 the respondent's license number 031050 to practice as a licensed practical nurse in the State of Connecticut is hereby revoked.

This Memorandum of Decision becomes effective on the date signed by the Board of Examiners for Nursing.

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

Dated at Hartford, Connecticut this 7th day of April, 2010.

BOARD OF EXAMINERS FOR NURSING

By Patricia Bouffard  
Patricia Bouffard, R.N., Chairperson

**CERTIFICATION**

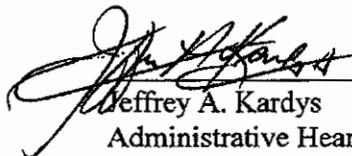
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 5th day of APRIL 2010, by certified mail, return receipt requested:

Erica Hill  
186 Broadbrook Road  
Enfield, CT 06082

Certified Mail RRR #91-7108-2133-3932-0555-2355

and by E-Mail to:

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Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
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