STATE OF CONNECTICUT

BOARD OF EXAMINERS FOR NURSING

Department of Public Health

vs.

Heather Beauregard, LPN, Lic. No. 031104
Respondent

Petition No. 2006-0824-011-029

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 a Statement of Charges and Motion for Summary Suspension dated September 14, 2006. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Heather Beauregard (hereinafter "respondent") which would subject respondent's licensed practical nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On March 15, 2006, the Board ordered, pursuant to its authority under § 4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that respondent's licensed practical nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated September 20, 2006, scheduling a hearing for October 4, 2006. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Notice of Hearing and Statement of Charges were delivered by certified mail to respondent. Dept. Exh. 1.

The hearing took place on October 4, 2006, in Room 1-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Tr., pp. 1-6.

Respondent did not submit an Answer to the Statement of Charges. Tr., pp. 1-6.

On October 4, 2006, the Department moved to Deem the Allegations admitted. The Board granted the motion. Tr. p.5.

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.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Heather Beauregard of Enfield, Connecticut is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut practical nurse license number 031104. Dept. Exh. 2; Tr. p. 6.

2. At all relevant times, respondent was employed, directly and/or indirectly through Favorite Nurses Staffing Agency, as a licensed practical nurse at one or more extended care facilities in Connecticut. Dept. Exh. 2; Tr. p. 5.

3. Beginning in or about May 2006 and continuing through in or about July 2006, while working as a licensed practical nurse at one or more extended care facilities in Connecticut, respondent diverted Percocet, Vicodin and/or Dilaudid from patient stock for personal use. Dept. Exh. 2; Tr. p. 5.

4. In or about May, June, and/or July 2006, respondent abused or utilized to excess Percocet, Vicodin and/or Dilaudid. Dept. Exh. 2; Tr. p. 5.

5. Respondent's abuse of Percocet, Vicodin and/or Dilauded does, and/or may, affect her practice as a licensed practical nurse. Dept. Exh. 2; Tr. p. 5.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Heather Beauregard held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §§ 19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

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 her license as required by *Conn. Gen. Stat.* § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 2 of the Statement of Charges alleges that at all relevant times, respondent was employed, directly and/or indirectly through Favorite Nurses Staffing Agency, as a licensed practical nurse at one or more extended care facilities in Connecticut.

PARAGRAPH 3 of the Statement of Charges alleges that beginning in or about May 2006 and continuing through in or about July 2006, while working as a licensed practical nurse at one or more extended care facilities in Connecticut, respondent diverted Percocet, Vicodin and/or Dilaudid from patient stock for personal use.

PARAGRAPH 4 of the Statement of Charges alleges that in or about May, June, and/or July 2006, respondent abused or utilized to excess Percocet, Vicodin and/or Dilaudid.

PARAGRAPH 5 of the Statement of Charges alleges that respondent's abuse of Percocet, Vicodin and/or Dilauded does, and/or may, affect her practice as a licensed practical nurse.

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 deems the allegations contained in the Statement of Charges to be admitted.

The General Statutes of Connecticut § 20-99 provides in relevant part:

> (a) The Board of Examiners for Nursing 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: . . ; (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; (6) fraud or material deception in the course of professional services or activities. . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraphs 2, through and including 5, of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§20-99(b)(2), (5), (6) and 19a-17.

Order

Pursuant to its authority under *Conn. Gen. Stat.* §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraphs 2, through and including 5, of the Statement of Charges, respondent's licensed practical nurse license number 031104, is revoked effective the date this Memorandum of Decision is signed by the Board.

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

Dated at Newington, Connecticut this 7th day of February 2007.

BOARD OF EXAMINERS FOR NURSING

By: _____