



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING OFFICE

January 21, 2010

Ryan Teague  
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Clinton, CT 06413

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Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
PO Box 340380  
Hartford, CT 06134-0308

Inter-Departmental Mail

**RE: Ryan Teague, LPN - Petition No. 2008-0822-011-046**

Dear Mr. Teague 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 Office

c: Michael J. Purcaro, Management Team Leader, Administrative Branch  
Wendy Furniss, Branch Chief, Healthcare Systems  
Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations  
Lynn A. Rioux, Paralegal Specialist II, Office of the Attorney General  
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**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH**

Ryan Teague, L.P.N  
License No. 031470

Petition No. 2008-0822-011-046

**MEMORANDUM OF DECISION**

*Procedural Background*

On September 9, 2008, 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"). Dept. Exh. 1. The Charges allege violations of certain provisions of Chapter 378 of the General Statutes ("the Statutes") by Ryan Teague ("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 respondent's continued nursing practice presented a clear and immediate danger to public health and safety and ordered, on October 1, 2008, 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"). Dept. Exh. 1.

On October 1, 2008, the Charges, the Order, and a Notice of Hearing were hand-delivered to respondent. Dept. Exh. 1.

After one continuance, a hearing was held on April 15, 2009 and June 17, 2009. During the hearing on April 15, 2009, respondent orally answered the Charges.

Respondent appeared pro se on all hearing dates; Attorney Matthew S. Antonetti represented the Department.

Following the close of the record on June 17, 2009, 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 Ryan Teague of Clinton, Connecticut is, and as been at all times referenced in the Charges, the holder of Connecticut licensed practical nursing license number 031470.
2. In paragraph two of the Charges, the Department alleges that in or around July 2008, respondent diverted fentanyl from Watrous Nursing Center in Madison, Connecticut for personal use and/or abused heroin.
3. In paragraph three of the Charges, the Department alleges that respondent's abuse of fentanyl and/or heroin does, and/or may, affect his practice as a licensed practical nurse.
4. In paragraph four of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to § 20-99(b) of the Statutes, including but not limited to:
  - a. § 20-99(b)(2); and/or
  - b. § 20-99(b)(5).

***Findings of Fact***

1. Respondent is, and has been at all times referenced in the Charges, the holder of Connecticut licensed practical nursing license number 031470. Tr. 4/15/09, pp. 10-11.
2. In or around July 2008, respondent diverted fentanyl from Watrous Nursing Center in Madison, Connecticut for personal use and/or abused heroin. Tr. 4/15/09, pp. 10-11.
3. Respondent's abuse of fentanyl and/or heroin does, and/or may, affect his practice as a licensed practical nurse. Tr. 4/15/09, pp. 10-11.
4. Respondent is engaged in a drug rehabilitation program at the APT Foundation's Park Hill Clinic in New Haven, Connecticut. Respondent reports to the Clinic for methadone medication and is required to meet with a counselor on a weekly basis and submit to random urine screens. Resp. Exh. A.
5. Respondent has been an active participant in Alcoholics Anonymous and/or Narcotics Anonymous. Tr. 6/17/09, p. 12.

***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) 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 admitted the allegations; therefore, the Department sustained its burden of proof concerning all of the allegations in the Charges. Respondent admits that in or around July 2008, he diverted fentanyl from Watrous Nursing Center in Madison, Connecticut for personal use and abused heroin. Respondent has acknowledged that his use of fentanyl and heroin affects his practice as a licensed practical nurse.

The Board concludes that respondent's conduct as alleged in paragraphs 1-3 of the Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to §§ 20-99(b)(2), and (5) and 19a-17 of the Statutes. The Board finds that respondent can practice nursing with reasonable skill and safety under the terms of this Order.

*Order*

Based on the record in this case, the above findings of fact and conclusions of law, the Board hereby orders, with respect to license number 031470 held by Ryan Teague, as follows:

1. Respondent's license shall be placed on probation for a period of four years under the following terms and conditions. If any of the conditions of probation are not met, respondent's licensed practical nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
  - A. During the period of probation the Board shall pre-approve respondent's employment and/or change of employment within the nursing profession.
  - B. Respondent shall not be employed as a nurse for a personnel provider service, assisted living services agency, homemaker-home health aide agency, or home health care agency, and shall not be self-employed as a nurse for the period of probation.

- C. Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
- D. Respondent shall not administer, count or have access to controlled substances, or have responsibility for such activities in the course of nursing duties during the first two years of working as a nurse during the probationary period.
- E. If employed as a nurse, respondent shall cause employer reports to be submitted to the Board, by his immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of month following employment as a nurse. Employer reports shall be submitted monthly during the first and fourth years of probation, and quarterly during the second and third years of probation.
- F. The employer reports cited in Paragraph E above shall include documentation of respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph Q below.
- G. Should respondent's employment as a nurse be involuntarily terminated or suspended, respondent and his employer shall notify the Board within seventy-two (72) hours of such termination or suspension.
- H. If respondent pursues further training in any subject area that is regulated by the Department, respondent shall provide a copy of this Memorandum of Decision to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department in writing as to receipt of a copy of this Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph Q below.
- I. At his expense, respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist, approved by the Board and the Department, during the entire period of probation.

- J. Respondent shall provide a copy of this Memorandum of Decision to his therapist. The Board shall be notified in writing by his therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- K. Respondent shall cause evaluation reports to be submitted to the Board by his therapist during the entire probationary period. Therapist reports shall be submitted monthly during the first and fourth years of probation, and quarterly during the second and third years of probation.
- L. The therapist reports cited in Paragraph K above shall include documentation of dates of treatment, and an evaluation of respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph Q below.
- M. Observed random urine screens
  - (1) At his expense, respondent shall be responsible for submitting to observed random chain of custody urine screens for alcohol and drugs for the entire probationary period, at a testing facility approved by the Board, after consultation with the Department, as ordered by his therapist, and/or personal physician, and/or employer. Alcohol/drug screening may also be ordered by the Board to ensure compliance with this Order. Random alcohol/drug screens shall be legally defensible in that specimen donor and chain of custody can be identified throughout the screening process.
  - (2) Respondent shall be responsible for notifying the laboratory, his therapist, the Board, the Department and his prescribing practitioner of any drug(s) he is taking. For any prescription of a controlled substance(s) for more than two consecutive weeks, the respondent shall cause the provider prescribing the controlled substance(s) to submit quarterly reports to the Board and the Department until such time as the controlled substance(s) are no longer prescribed. The reports shall include the following:
    - a. A list of controlled substances prescribed by this provider for the respondent;
    - b. A list of controlled substance(s) prescribed by other providers;

- c. An evaluation of the respondent's need for the controlled substance;
  - d. An assessment of the respondent's continued need for the controlled substance(s).
- (3) There must be at least one such random alcohol/drug screen weekly during the first and fourth years of the probationary period; and, at least two such random alcohol/drug screens monthly during the second and third years of the probationary period.
- (4) Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.
- (5) Random alcohol/drug screens must include testing for the following substances:
- |                                |                       |
|--------------------------------|-----------------------|
| Amphetamines                   | Methadone             |
| Barbiturates                   | Methaqualone          |
| Benzodiazepines                | Opiates (Metabolites) |
| Cannabinoids (THC Metabolites) | Phencyclidine (PCP)   |
| Cocaine                        | Propoxyphene          |
| Fentanyl                       | Ethanol (alcohol)     |
| Meperidine (Demerol)           |                       |
- (6) Screening for Fentanyl shall be at least monthly for the entire probationary period.
- (7) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Board and the Department, at the address cited in Paragraph Q below, by respondent's therapist, personal physician or the testing laboratory.
- N. Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for him, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications. Respondent shall not

abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.

- O. Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine and that the ingestion of mouthwash may produce a positive result indicating the presence of alcohol. For that reason, any food substance containing poppy seeds, and mouthwash should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine and/or alcohol, the ingestion of poppy seeds and/or mouthwash shall not constitute a defense to such positive screen.
- P. The Board must be informed in writing prior to any change of address.
- Q. All communications, payments if required, correspondence, and reports are to be addressed to:

Bonnie Pinkerton, RN, Nurse Consultant  
Department of Public Health  
Division of Health Systems Regulation  
Board of Examiners For Nursing  
410 Capitol Avenue, MS #12HSR  
P. O. Box 340308  
Hartford CT 06134-0308

- 2. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of his license.
- 3. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take subsequent action. The Board shall not be required to grant future extensions of time or grace periods.
- 4. Notice of revocation or other disciplinary action shall be sent to respondent's address of record (most current address reported to the Office of Practitioner Licensing and Certification of the Department of Public Health or the Board).

5. This Memorandum of Decision becomes effective, and the four-year probation of licensed practical nurse license no. 031470 shall commence, on February 1, 2010.

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

Dated at Hartford, Connecticut this 20th day of January, 2010.

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Bayard

**CERTIFICATION**

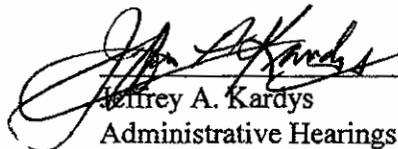
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 26<sup>th</sup> day of January 2010, by certified mail, return receipt requested, and first class mail to:

Ryan Teague  
1 Medley Lane  
Clinton, CT 06413

Certified Mail RRR #91 7108 2133 3931 8707 8485

and via email to:

Matthew Antonetti, Principal Attorney  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
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