

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BOARD OF EXAMINERS FOR NURSING

ORIGINAL

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

Petition No. 2010-5609

MEMORANDUM OF DECISION

Procedural Background

On November 22, 2010, 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 Ryan Teague, L.P.N. ("respondent") which would subject respondent's license 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 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 December 1, 2010, 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. 2.

On December 1, 2010, the Charges, the Order, and a Notice of Hearing were sent to respondent by certified and first class mail. Bd Exh. 3. On December 4, 2010, the Charges, the Order, and a Notice of Hearing were served on respondent by State Marshal. Bd Exh. 3.

The hearing was held on December 15, 2010 at 9:45 a.m. at the Legislative Office Building, 300 Capital Avenue, Hartford, Connecticut, in Conference Room 1-A. Respondent failed to appear and was not represented by counsel; the Department was represented by Attorney Matthew Antonetti. Bd Exh. 3., Tr. p. 2.

Respondent did not submit an Answer to the Charges. Tr. p. 5.

On December 15, 2010, the Department moved to deem the Allegations admitted, and the Board granted the motion. Tr. pp. 5-6. Following the close of the record on December 15, 2010, the Board conducted fact-finding. Each member of the Board involved in this decision attests that he/she was present at the hearing and 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 Ryan Teague of Clinton, Connecticut was issued Connecticut licensed practical nursing license number 031470 on September 26, 2005.
2. In paragraph two, the Department alleges that in a Memorandum of Decision dated January 20, 2010, in petition number 2008-0822-011-046 ("the Decision"), respondent's license was placed on probation for a period of four years. The Decision was based, in part, on findings that respondent diverted and abused fentanyl and abused heroin in or around July 2008.
3. In paragraph three, the Department alleges that in the Decision, respondent was required to submit to random urine screens for drugs and alcohol during the probationary period.
4. In paragraph four, the Department alleges that on or about October 18 and/or 25, 2010, respondent failed to submit to urine screens when requested to do so.
5. In paragraph five, the Department alleges respondent's conduct 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

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

1. The Board made all reasonable efforts to effectuate notice of the hearing and served respondent not only by certified and first class mail, but personally by State Marshal. Bd Exh. 3.
2. The allegations are deemed admitted. Tr. pp. 5-6.

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).

Pursuant to § 19a-9-18 of the Regulations of Connecticut State Agencies ("the Regulations"), the notice is effective if sent to the last known address of record or if there is proof of actual service. Respondent was served with a Notice of the Hearing, not only by first class and certified mail, but by a State Marshal. Therefore, service was effective.

Pursuant to § 19a-9-19 of the Regulations, respondent was required to file a written Answer and “(c) [a]ny allegation not answered . . . shall be deemed admitted.” Additionally, pursuant to § 19a-9-20 of the Regulations, “. . . [i]f no answer has been timely filed, the allegations shall be deemed admitted.” Respondent failed to file an Answer and failed to appear at the hearing. Therefore, the Board granted the Department motion to deem allegations admitted.

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

(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’s conduct as alleged and deemed admitted 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 031470 to practice as a licensed practical nurse in the State of Connecticut is revoked.

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 15th day of June 2011.

BOARD OF EXAMINERS FOR NURSING

By Patricia C Bouffard
Patricia Bouffard, R.N.

CERTIFICATION

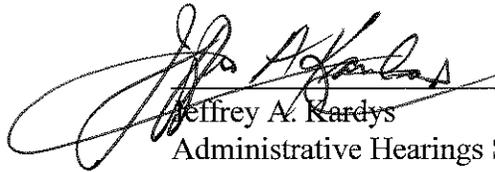
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 15th day of June 2011, by certified mail, return receipt requested and first class mail to:

Ryan Teague
1 Medley Lane
Clinton, CT 06413

Certified Mail 91-7108-2133-3932-0556-3139

and via email to:

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



Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
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