



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING OFFICE

April 2, 2009

Jennifer Telage  
24 Terrace Drive  
Waterford, CT 06385

Certified Mail RRR #91-7108-2133-3932-0551-0430

Jennifer Telage  
7 Long View Avenue  
Waterford, CT 06385

Certified Mail RRR #91-7108-2133-3932-0551-0447

Stanley K. Peck, Section Chief  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
PO Box 340380  
Hartford, CT 06134-0308

Inter-Departmental Mail

**RE: Jennifer Telage, LPN - Petition No. 2008-0910-011-050**

Dear Ms. Telage and Attorney Peck:

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: Catherine Kennelly, Chief Administrative Officer, Department of Public Health  
Wendy Furniss, Branch Chief, Healthcare Systems  
Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations  
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**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH**

Jennifer Telage, LPN  
License. No. 031496

Petition No. 2008-0910-011-050

**MEMORANDUM OF DECISION**

*Procedural Background*

On September 24, 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 Jennifer Telage, LPN ("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 5, 2008, the Charges, the Order, and a Notice of Hearing were served on respondent by State Marshal. Dept. Exh. 1.

A hearing was held on October 15, 2008. Attorney Linda Fazzina represented the Department. Respondent was not present or represented. Tr., p. 2.

Respondent did not file a written Answer to the Charges. During the hearing on October 15, 2008, the Board granted the Department's oral motion to deem the allegations admitted. Tr., pp. 5-6.

On October 15, 2008, 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 Jennifer Telage of Waterford, Connecticut is, and has been at all times referenced in the Charges, the holder of Connecticut LPN license number 031496. Said license expired on August 31, 2008 due to nonrenewal. Pursuant to § 19a-88(f) of the statutes, said license will become void on or about November 29, 2008.
2. In paragraph two of the Charges, the Department alleges that on or about February 20, 2008, the Board ordered a Consent Order in Petition Number 2007-0111-011-002 that placed respondent's licensed practical nursing license on probation for a period of four (4) years. Such disciplinary action was based upon respondent's admitted diversions of Oxycodone for personal use.
3. In paragraph three of the Charges, the Department alleges that said Consent Order specifically provided that respondent engage in therapy and counseling for the entire period of her probation and that therapist reports be submitted monthly during the first year of probation. In addition, said Consent Order specifically provided that respondent submit to observation, random urine screens for drugs and alcohol at least once weekly during the first year of probation and that laboratory reports of said drug screens be submitted directly to the Board and the Department.
4. In paragraph four of the Charges, the Department alleges that the Department has not received a therapist report since June 4, 2008.
5. In paragraph five of the Charges, the Department alleges that the respondent has failed to present herself for urine screens on seven (7) occasions when called during the period from July 6, 2008 to September 10, 2008.
6. In paragraph six of the Charges, the Department alleges that respondent's conduct as described above constitutes violations of the terms of probation as set forth in the Consent Order, 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. The Department provided respondent with reasonable and adequate written notice of the allegations contained in the Charges. Dept. Exh. 2; Tr., pp. 3-4.
2. Respondent did not file an Answer to the Charges. Tr., pp.5-6.
3. Respondent did not appear at the hearing on October 15, 2008. Tr. pp. 2, 5.
4. The allegations contained in the Charges are deemed admitted. Tr. p. 6.

*Discussion and Conclusions of Law*

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

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 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).

Respondent did not file an Answer to the Charges and did not appear at the hearing. Tr., pp. 5-6. Pursuant to § 19a-8-20 of the Regulations of Connecticut State Agencies, the Board deems the allegations in paragraphs one through six of the Charges to be admitted.

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 . . . .

The Board concludes that respondent's conduct as alleged in the Charges and deemed admitted constitutes grounds for disciplinary action pursuant to §§20-99(b) and 19a-17 of the Statutes. The Board concludes that respondent's failure to comply with the terms of license probation poses a threat to public health and safety.

***Order***

Based on the record in this case, the above findings of fact and conclusions of law, the Board hereby orders, with respect to the LPN license number 031496 held by Jennifer Telage, as follows:

Respondent's license number 031496 to practice as a licensed practical nurse in the State of Connecticut is hereby revoked effective the date this Memorandum of Decision is signed by the Board.

Dated at Hartford, Connecticut this 1st day of April 2009.

BOARD OF EXAMINERS FOR NURSING

By Patricia C Buffad

**CERTIFICATION**

I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 2nd day of APRIL 2009, by certified mail, return receipt requested, to:

Jennifer Telage  
24 Terrace Drive  
Waterford, CT 06385

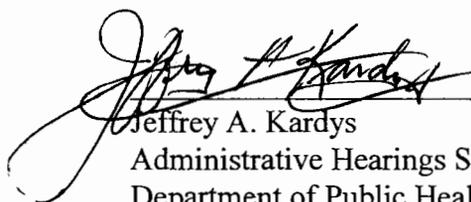
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and by Inter-Departmental Mail to:

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