

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING SECTION

August 17, 2011

Jennifer Telage-Venturini
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Waterford, CT 06385

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and First Class Mail

Matthew Antonetti, Principal Attorney
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Hartford, CT 06134-0308

Via Email

RE: Jennifer Telage-Venturini, LPN- Petition Nos. 2010-5320

Dear Ms. Ryerson 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 Section

c: Michael J. Purcaro, Chief of Administration
Wendy Furniss, Branch Chief, Healthcare Systems
Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations
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**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Jennifer Telage Venturini, LPN
License No. 031496

Petition No. 2010-5320

MEMORANDUM OF DECISION

Procedural Background

On April 1, 2009, the Board of Examiners for Nursing (“the Board”) issued a Memorandum of Decision in Petition No. 2008-0910-011-050, revoking the licensed practical nurse license of Jennifer Telage Venturini (“petitioner”). The Decision was based on sufficient proof that petitioner had violated the probation imposed on her license as a result of a prior Consent Order. Bd. Exh. 1, pp. 15-18.

On May 28, 2010, petitioner requested a reinstatement hearing before the Board. The Department did not object (Bd. Exh. 1, pp. 5-8), and on June 6, 2010, petitioner’s request was granted. On June 17, 2010, the Notice of Hearing was sent to respondent by certified and first class mail. Bd. Exh. 1., p. 1.

After one continuance, the Board heard petitioner’s request for reinstatement on September 1, 2010. At the hearing, petitioner was not represented by an attorney; Attorney Linda Fazzina represented the Department. Tr. p. 1.

On October 6, 2010, 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.

Findings of Fact

1. Petitioner previously held Connecticut licensed practical nurse license number 031496 Bd. Exh. 1, p. 15.
2. On February 20, 2008, the Board ordered a Consent Order in Petition No. 2007-0111-011-002 (“the Consent Order”), which placed petitioner’s license on probation for four years, based on petitioner’s admitted diversions of Oxycodone for personal use. The probationary terms included the requirements that petitioner submit to weekly random urine screens and participate in therapy for chemical dependency. Bd. Exh. 1, p. 16.
3. After June 2008, the Department ceased receiving any reports from petitioner’s therapist; and, from July to September 10, 2008, petitioner failed to present herself for random urine screens on seven occasions. Bd. Exh. 1, p. 16.

4. On August 31, 2008, petitioner's license expired due to non-renewal. Bd. Exh. 1, p. 16.
5. On October 1, 2008, petitioner's license was summarily suspended while an investigation was pending concerning her alleged violations of the probationary terms set forth in the Consent Order. Bd. Exh. 1, p. 15.
6. On October 5, 2008, a Statement of Charges ("the Charges") was issued in Petition No. 2008-0910-011-050, alleging that petitioner violated the Consent Order; and, on October 15, 2008, after proper notice, a hearing was held on the Charges. Petitioner did not appear at the hearing and was not represented by an attorney. Bd. Exh. 1, p. 15.
7. On or about November 29, 2008, the license became void. Bd. Exh. 1, p. 16.
8. On April 1, 2009, the Board issued a Memorandum of Decision ("the Decision") in Petition No. 2008-0910-011-050, revoking petitioner's license based on the violations of her probation. Bd. Exh. 1, pp. 15-18.
9. On September 21, 2009, petitioner requested a hearing before the Board, seeking reinstatement of her license. On October 7, 2009, her request was denied. Bd. Exh. 1, pp. 2, 4, 9-12, 20-23, 29-31.
10. On May 28, 2010, petitioner again requested a reinstatement hearing which was granted. Bd. Exh. 1, pp. 5-8.
11. The evidence is insufficient to establish that petitioner can practice nursing with reasonable skill and safety. Bd. Exh. 1, pp. 3, 12-13, 33-35, 37-38; Dept. Exh. 1, pp. 1, 3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39, 42. Tr. pp. 15-17

Discussion and Conclusions of Law

Section 19a-17(e) of the Connecticut General Statutes ("the Statutes") provides, in pertinent part, that the Board "may reinstate a license that has been suspended or revoked, if after a hearing, such board . . . is satisfied that the practitioner . . . is able to practice with reasonable skill and safety to patients, customers or the public in general. As a condition of reinstatement, the Board may impose disciplinary or corrective measures authorized under this section."

Petitioner has the burden of satisfying the Board that she is able to practice nursing with reasonable skill and safety. The Board finds that petitioner has not presented sufficient evidence to satisfy her burden.

Prior to the hearing, petitioner was informed that she would be required to provide evidence at the hearing that documented the “outcomes of [her] efforts toward recovery over a lengthy period of time, especially in relationship to length of time of substance abuse . . .” Bd. Exh. 1, p.1. Petitioner was also advised that such evidence should include (1) reports from her therapist, employers (past and present), and support group sponsor(s) documenting a lengthy period of drug/alcohol free status, her emotional health and work habits and her ability to administer safe nursing care, and (2) copies of her random urine screen reports documenting the frequency, the conditions under which the specimens were taken, and the results of the tests.

At the hearing, petitioner submitted letters from her therapist, psychiatrist and family members, and documentation of her participation in a support group. Her documentation regarding her support group did not, however, include any reports from her sponsor. No current information from employers was available because petitioner has been unemployed since her license was revoked.

Of most concern to the Board, however, are petitioner’s drug test results.

The Department submitted a summary of petitioner’s reports for February to September 2009, and copies of the actual drug screen reports for May to August 2010. The reports document that on numerous occasions (three out of 31 screens in 2009, and 14 out of 14 screens in 2010) petitioner’s screens were negative for drugs and alcohol; however, the urine specimens had very low creatinine and specific gravity values.¹ Such low values suggest that the urine specimens may have been diluted, adulterated or substituted. Dept. Exh. 1, p. 1. While petitioner testified that she generally drinks “cases of water a week” (Tr. p. 17) and was advised not to “drink anything an hour before” the urine test (*Id.* p. 17), she did not adequately explain why, to date, all of her urine screens for 2010 have had consistently low creatinine and specific gravity values. She denied having any medical problems to which such low creatinine and specific gravity values could be attributed. Although she testified that all of her tests are random and observed, the Board did not find her credible. Additionally, petitioner failed to submit any documentation of her treatment plan. Thus, petitioner failed to satisfy her burden of proving that she is able to practice nursing with reasonable skill and safety.

¹ At various times in 2010, petitioner’s creatinine values ranged from 0 mg/dl to 9.5 mg/dl and specific gravity levels ranged from 1.002 to 1.010. According to the Bendiner & Schlesinger laboratory, the reference range for creatinine is 20-350mg/dl and the reference range for specific gravity values is 1.010 to 1.025. Values less than the reference ranges may indicate dilution. Dept. Exh. 1, pp. 1, 3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39, 42.

Order

Pursuant to the authority vested in it by §19a-17(e) of the Statutes, the Board orders that the petition of Jennifer Telage Venturini, for reinstatement of her licensed practical nurse license number 031496 is hereby denied.

Dated at Hartford, Connecticut this 17th day of August, 2011.

BOARD OF EXAMINERS FOR NURSING

By Patricia C. Bouffard
Patricia C. Bouffard, D.N.Sc., Chair

CERTIFICATION

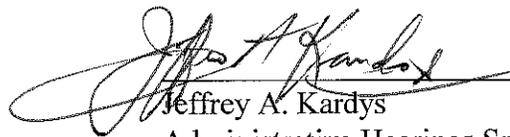
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 17th day of August 2011, by certified mail, return receipt requested and first class mail to:

Jennifer Telage-Venturini
24 Terrace Drive
Waterford, CT 06385

Certified Mail 91-7108-2133-3932-0556-3214

and via email to:

Matthew Antonetti, Principal Attorney
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