



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING OFFICE

July 22, 2010

Sara Kaiser  
1030 Meriden Road, Apt. 24  
Waterbury, CT 06705-3147

Certified Mail RRR #91-7108-2133-3932-0551-7736  
and First Class Mail

Matthew Antonetti, Principal Attorney  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
PO Box 340308  
Hartford, CT 06134-0308

**Via Email**

**RE: Sara Kaiser, LPN - Petition No. 2010-81**

Dear Ms. Kaiser 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, Chief of Administration  
Wendy Furniss, Branch Chief, Healthcare Systems  
Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations  
Bonnie Pinkerton, RN, Nurse Consultant, Department of Public Health  
Lynn A. Rioux, Paralegal Specialist II, Office of the Attorney General

Phone:



Telephone Device for the Deaf: (860) 509-7191

410 Capitol Avenue - MS # \_\_\_\_\_

P.O. Box 340308 Hartford, CT 06134

*Affirmative Action / An Equal Opportunity Employer*

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

Sara Kaiser, L.P.N.  
License No. 032139

Petition No. 2010-81

**MEMORANDUM OF DECISION**

*Procedural Background*

On February 23, 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"). Dept. Exh. 1. The Charges allege violations of certain provisions of Chapter 378 of the General Statutes ("the Statutes") by Sara Kaiser ("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 March 3, 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"). Board Exh. 1; Dept. Exh. 1. On March 8, 2010, the Charges, the Order, and a Notice of Hearing were served on respondent by State Marshal. Board. Exh. 2.

The hearing was held on March 17, 2010. Respondent was neither present nor represented at the hearing. Tr. p. 2. Attorney David Tilles represented the Department. Respondent did not file an Answer to the Charges. During the hearing, the Board granted the Department's Motion to Deem the Allegations Admitted. Board. Exh. 3.; Tr. p. 5. Following the close of the record on March 17, 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.

***Allegations***

***Counts one and two***

1. In paragraphs one and five of the Charges, the Department alleges that respondent has been the holder of Connecticut licensed nurse practitioner license number 032139.
2. In paragraphs two and five of the Charges, the Department alleges that the respondent on various occasions since December 1, 2009 has abused or used to excess heroin and morphine, including but not limited to morphine on or about December 18, 2009, and/or January 3 and/or 12, 2010.
3. In paragraphs three and five of the Charges, the Department alleges that respondent's use and/or abuse of morphine and/or heroin does and/or may affect her practice of licensed practical nursing.
4. In paragraphs four and five of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to the § 20-99(b) of the Statutes, including but not limited to § 20-99(b)(5).

***Count two***

5. In paragraph six of the Charges, the Department alleges that on October 7, 2009, the Board ordered a Consent Order in Petition Number 2007-1129-011-038 (hereinafter "the Consent Order") that placed respondent's licensed practical nurse license on probation for a period of four years. Such disciplinary action was based upon respondent's admitted diversions of Seroquel, abuse of heroin and cocaine, and improper documentation of controlled substance records.
6. In paragraph seven of the Charges, the Department alleges that the Consent Order specifically required in paragraph 3B that respondent refrain from using any controlled substance and that all urine screens be negative for controlled substances.
7. In paragraph eight 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. Board Exh. 1; Tr. pp. 3-4.
2. Respondent did not file an Answer. Tr. p. 2.
3. The factual allegations contained in Count One and Count two are deemed admitted and true. Board Exh. 3; Tr. p. 5.

**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). The allegations are deemed admitted; therefore the Department has sustained its burden of proof.

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: . . . ; (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; ...

Respondent did not submit an Answer to the Statement of Charges. Pursuant to § 19a-9-20 of the Regulations of Connecticut Agencies the Board deemed the allegations in the Charges to be admitted and true. These findings of fact constitute grounds for disciplinary action pursuant to §§ 20-99(b), and (5) 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, with respect to license number 032139 held by Sara Kaiser, as follows: Respondent's license number 032139 to practice as a licensed practical nurse in the State of Connecticut is hereby revoked effective the date the Memorandum of Decision is signed by the Board.

The Board of Examiners for Nursing hereby informs respondent, Sara Kaiser, and the Department of Public Health of the State of Connecticut of this Decision.

Dated at Hartford, Connecticut this 21<sup>st</sup> day of July 2010.

BOARD OF EXAMINERS FOR NURSING

By Patricia C Bouffard  
Patricia Bouffard, R.N.  
Chairperson

**CERTIFICATION**

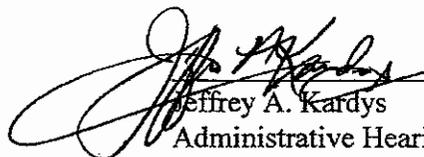
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 22nd day of July 2010, by certified mail, return receipt requested, and first class mail to:

Sara Kaiser  
1030 Meriden Road, Apt. 24  
Waterbury, CT 06705-3147

Certified Mail RRR #91-7108-2133-3932-0551-7736

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  
Department of Public Health  
Public Health Hearing Office