

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Megan Reilly, LPN  
License No. 033760

Petition No. 2010-5786

**MEMORANDUM OF DECISION**

*Procedural Background*

On May 18, 2011, 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"). Board. Exh. 1. The Charges allege violations of Chapter 378 of the General Statutes ("the Statutes") by Megan Reilly ("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 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 May 25, 2011, 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. 2.

On May 25, 2011, the Order, the Charges and a Notice of Hearing were sent to respondent by certified mail and e-mail. Board. Exh. 3. At respondent's request the hearing scheduled for June 1, 2011 was rescheduled and held on August 17, 2011. Board. Exh. 5. Respondent filed a written Answer to the Charges dated May 28, 2011. Board. Exh. 4.

Respondent was neither present nor represented during the hearing on August 17, 2011.. Attorney Joelle Newton represented the Department. Tr. 8/17/11, p. 2.

Following the close of the record on August 17, 2011, 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 respondent is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nurse license number 033760.

2. In paragraph two of the Charges, the Department alleges that respondent was employed as a licensed practical nurse at Sharon Health Care Center (“the facility”) in Sharon, CT.
3. Paragraph three of the Charges alleges that in approximately November 2010, while working as a licensed practical nurse at the facility respondent:
  - a. diverted Oxycodone from patients and patient stock for personal use;
  - b. failed to completely, properly and/or accurately document medical or hospital records; and/or
  - c. falsified one or more Controlled Substance Receipt Records.
4. In paragraph four of the Charges, the Department alleges that in approximately November 2010, respondent abused or utilized to excess Oxycodone.
3. In paragraph five of the Charges, the Department alleges that respondent’s abuse of Oxycodone does, and/or may affect her practice as a licensed practical nurse.
6. In paragraph six of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to § 20-99, but not limited to, §§ 20-99(b)(2) and/or 20-99(b)(5).

#### *Findings of Fact*

1. The Department provided respondent with reasonable and adequate written notice of the hearing and the allegations contained in the Statement of Charges. Board Exhs. 3 and 5.
2. Respondent in her written answer admits the factual allegations in paragraphs one through five of the Charges. Board Exh. 4.

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

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by §4-182(c) of the Statutes. Respondent submitted an Answer in which she admits the allegations in the Statement of Charges.

The Board concludes that respondent's conduct as alleged in paragraphs one through five of the Charges 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 033760 to practice as a licensed practical nurse in the State of Connecticut is hereby **REVOKED**.

The Board of Examiners for Nursing hereby informs respondent, Megan Reilly, and the Department of Public Health of the State of Connecticut of this decision, which becomes effective on the date signed by the Board of Examiners for Nursing.

Dated at Hartford, Connecticut this 21<sup>st</sup> day of December, 2011.

BOARD OF EXAMINERS FOR NURSING

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

**CERTIFICATION**

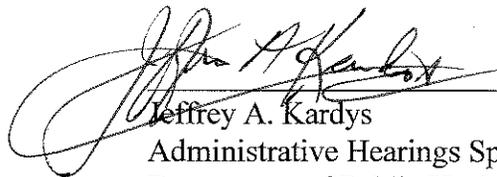
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 22<sup>nd</sup> day of December 2011, by certified mail, return receipt requested and first class mail to:

Megan J. Reilly  
3327 Route 199  
Pine Plains, NY 12567

Certified Mail 91-7108-2133-3936-6805-9866

and via email to:

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



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Jeffrey A. Kardys  
Administrative Hearings Specialist/Board Liaison  
Department of Public Health  
Public Health Hearing Office