



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING OFFICE

December 11, 2009

Sara Canfield-Hornig

CMRRR#91 7108 2133 3932 0692 1402
& First Class Mail

Matthew Antonetti, Principal Attorney
Department of Public Health
Legal Office – MS#12 LEG
P. O. Box 340308
410 Capitol Avenue
Hartford, CT 06134-0308

Via E-Mail: matthew.Antonetti@ct.gov

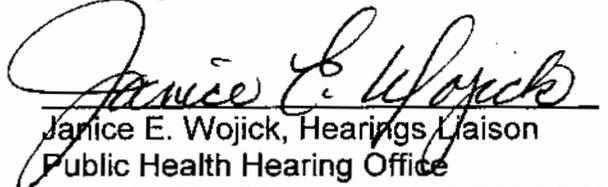
RE: Sara Canfield-Hornig, P.C.

Petition No. 2008-1119-046-004

Dear Ms. Canfield-Hornig and Attorney Antonetti:

Enclosed please find a copy of the final Memorandum of Decision rendered by Hearing Officer Stacy M. Owens in the above-referenced case.

Sincerely,


Janice E. Wojick, Hearings Liaison
Public Health Hearing Office
Tel. 860-509-7648 FAX 860-509-7553

c: J. Robert Galvin, M.D., M.P.H., M.B.A., Commissioner
Catherine Kennelly, Chief Administrative Officer
Henry Salton, Assistant Attorney General
Wendy H. Furniss, Branch Chief, Healthcare Systems Branch
Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations
Linda Fazzina, Staff Attorney, Legal Office

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

OFFICE OF COMMISSIONER

Sara Canfield-Hornig

CMRRR#91 7108 2133 3932 0692 1402
& First Class Mail

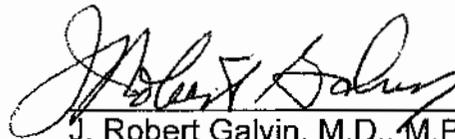
RE: Sara Canfield-Hornig, P.C.

Petition No. 2008-1119-046-004

FINAL MEMORANDUM OF DECISION

In accordance with Connecticut General Statutes Section 4-180, the attached Proposed Memorandum of Decision issued November 10, 2009, by Hearing Officer Stacy Owens, is hereby adopted as the final decision of the Commissioner of the Department of Public Health in this matter. A copy of the Proposed Memorandum of Decision is attached hereto and incorporated herein.

12-11-2009
Date



J. Robert Galvin, M.D., M.P.H., M.B.A.
Commissioner

- c: Henry Salton, Assistant Attorney General
Catherine Kennelly, Chief Administrative Officer
Wendy H. Furniss, Branch Chief, Healthcare Systems
Matthew Antonetti, Principal Attorney, Legal Office
Jennifer Filippone, Section Chief, Practitioner Licensing and investigations



**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
PUBLIC HEALTH HEARING OFFICE**

Sara Canfield-Hornig, PC

Petition No.: 2008-1119-046-004

PROPOSED MEMORANDUM OF DECISION

Procedural Background

On August 17, 2009, the Department of Public Health (“the Department”) issued a Notice of Hearing (“the Notice”) and a Statement of Charges (“the Charges”) against Sara Canfield-Horning, professional counselor (“respondent”). Rec. Exh. 1. The Charges allege grounds for disciplinary action pursuant to *Conn. Gen. Stat.* (“the Statutes”) §20-195ee. The Notice scheduled a hearing for September 28, 2009 and appointed this Hearing Officer to rule on all motions, and recommend findings of fact, conclusions of law, and an Order. Rec. Exh. 1.

Respondent did not file an Answer to the Charges.

The hearing was held in accordance with Chapter 54 of the Statutes and §19a-9-1, *et seq.* of the Regulation of Connecticut State Agencies. Respondent was not present, nor was she represented by an attorney; Attorney Linda Fazzina represented the Department. Both parties were given the opportunity to present evidence and argument on all issues and to conduct cross-examination.

During the hearing, the Department filed a Motion to Deem Allegations Admitted. The Motion was granted.

This Proposed Memorandum of Decision is based entirely on the record and sets forth this Hearing Officer’s recommended findings of fact, conclusions of law, and order.

Allegations

1. In paragraph 1 of the Charges, the Department alleges that respondent is, and has been at all times referenced in the Charges, the holder of Connecticut professional counselor license number 001426 and registered nurse license number E44697. Said licenses expired on or about March 31, 2008 due to nonrenewal. Pursuant to §19a-88(f) of the Statutes, said licenses became void on or about June 29, 2008.
2. In paragraph 2 of the Charges, the Department alleges that in or about May 2008, while working as a nurse at Capital Region Mental Health, 500 Vine Street, Hartford, Connecticut (“the facility”), respondent diverted Percocet.
3. In paragraph 3 of the Charges, the Department alleges that in or about May 2008, respondent abused or utilized to excess Percocet.

4. In paragraph 4 of the Charges, the Department alleges that respondent's abuse of Percocet does, and/or may, affect her practice as a professional counselor.
5. In paragraph 5 of the Charges, the Department alleges that the above-described facts constitute grounds for disciplinary action pursuant to §20-195ee of the Statutes including, but not limited to subsection (7).

Findings of Fact

1. Respondent is, and has been at all times referenced in the Charges, the holder of Connecticut professional counselor license number 001426 and registered nurse license number E44697. Rec. Exh. 1.
2. The Department provided respondent adequate, reasonable, and actual notice of the hearing in this matter. Rec. Exh. 1, 2; Tr. 9/28/09.
3. Respondent did not file an Answer to the allegations contained in the Statement of Charges. Tr. 9/28/09.
4. All of the factual allegations contained in the Statement of Charges are deemed admitted and true. Tr. 9/28/09.

Conclusions of Law and Discussion

Section 20-195ee of the Connecticut General Statutes provides in pertinent part:

The Commissioner of Public Health may take any disciplinary action set forth in section 19a-17 against a professional counselor for any of the following reasons: . . . (7) alcohol or substance abuse

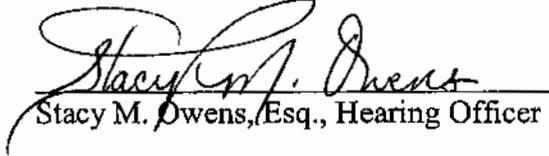
The Department bears the burden of proof by a preponderance of the evidence in this matter. *Goldstar Medical Services, Inc., et al. v. Department of Social Services*, 288 Conn. 790 (2008); *Swiller v. Commissioner of Public Health*, No. CV 95-0705601 Sup. Court, J.D. Hartford/New Britain at Hartford, October 10, 1995; *Steadman v. SEC*, 450 U.S. 91, 101 S. Ct. 999, *reh'g den.*, 451 U.S. 933 (1981).

In accordance with §19a-9-20 of the Regulations, a hearing shall proceed, " at the time and place specified in the notice of hearing, notwithstanding any failure of the respondent to file an answer within the time provided. If no answer has been timely filed, the allegations shall be deemed admitted." In this particular case, respondent failed to file an Answer to the Charges and failed to appear for the hearing on September 28, 2009, to contest the allegations. As such, the allegations were deemed admitted, thereby establishing that respondent's license is subject to disciplinary action pursuant to §§19a-17 and 20-195ee of the Statutes.

Order

Based on the record in this case, the above findings of fact and conclusions of law, and pursuant to §§19a-17 and 20-195ee of the Statutes, this Hearing Officer respectfully recommends the following to the Commissioner in the case of Sara Canfield-Hornig, PC, regarding Connecticut professional counselor license number 001426:

1. Respondent's license number 001426 to practice as a professional counselor in the State of Connecticut is hereby revoked.
2. This Order shall become effective upon signature.


Stacy M. Owens, Esq., Hearing Officer


Date

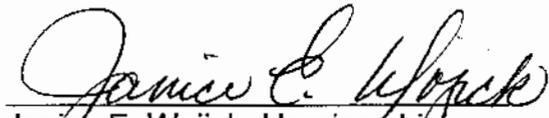
CERTIFICATION

I hereby certify that, pursuant to Connecticut General Statutes Section 4-180(c), a copy of the foregoing Memorandum of Decision was sent this // th day of December, 2009, by certified mail, return receipt requested, and first class mail to:

Sara Canfield-Hornig

and by E-Mail to:

matthew.antonetti@ct.gov
Matthew Antonetti, Principal Attorney
Legal Office
Department of Public Health
P. O. Box 340308
410 Capitol Avenue – MS#12LEG
Hartford CT 06134-0308


Janice E. Wojick, Hearings Liaison
Public Health Hearing Office