

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Michelle Rosa-Harris, L.P.N.

Petition No. 2023-483
2023-886

AMENDED STATEMENT OF CHARGES

Pursuant to the Connecticut General Statutes, §§19a-10 and 19a-14, the Department of Public Health (hereinafter "the Department") brings the following charges against Michelle Rosa-Harris, L.P.N.:

1. Michelle Rosa-Harris, L.P.N., of Waterbury, Connecticut (hereinafter "respondent") is, and has been since December 22, 2010, the holder of Connecticut licensed practical nurse license number 035794.
2. The respondent herein was also the respondent in Petition No. 2020-658 wherein, on or about June 1, 2022, the respondent entered into a consent order (hereinafter the "Consent Order") wherein the respondent admitted that:
 - a. from approximately July 2017 through September 2017, while practicing nursing, she diverted controlled substance medications from patient stock for personal consumption; and
 - b. she failed to completely, properly and/or accurately document medical records and/or she falsified one or more Controlled Substance Receipt Records; and
 - c. from approximately July 2017 through September 2017, and on or about October 17, 2019, she abused, or used to excess, controlled substances; and
 - d. on or about June 26, 2020, January 13, 2020, December 9, 2019, and/or July 16, 2018, she abused, or used to excess, alcohol; and
 - e. from approximately 2017 to the date of the Consent Order, respondent had one or more emotional disorders and/or mental illnesses (hereinafter "illnesses"); and
 - f. her illnesses and/or abuse or excessive use of alcohol and/or controlled substances did affect, and/or may have affected, her practice of nursing; and/or
3. Pursuant to the Consent Order, respondent's licensed practical nurse license was placed on probation for a period of two years effective July 1, 2022; and/or

4. Under the terms of the Consent Order, respondent was required, in part, to submit to observed random urine screens for drugs and alcohol at least twice a month during the first year of her probation; and all such screens were required to be negative for the presence of drugs, marijuana and alcohol; and/or

5. On or about February 23, 2023, the respondent submitted a urine sample which, upon screening, tested positive for alcohol; and/or

6. On or about May 17, 2023, after denying a motion for summary suspension that the Department filed in Petition No. 2023-483, the Connecticut Board of Examiners for Nursing (the "Board") ordered that a hearing on a previously filed statement of charges be scheduled for June 21, 2023 which, pursuant to the granting of the Department's Amended Motion for a Continuance of Hearing Date¹ filed on or about June 5, 2023, was continued to August 9, 2023; and/or

7. On or about June 14, 2023, the respondent again submitted a urine sample which, upon screening, tested positive for alcohol; and

8. The above cited facts evidence conduct of the respondent that constitutes a violation of the terms of the Consent Order; that fails to conform to the accepted standards of the nursing profession; and that constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. §§ 19a-17 and 20-99, including, but not necessarily limited to:

- a. §19a-17(a),
- b. §19a-17(c),
- c. §20-99(b)(2), and
- d. §20-99(b)(5).

9. For the foregoing reasons, the Department believes that respondent's continued practice as a licensed practical nurse represents a clear and immediate danger to the public health and safety.

THEREFORE, the Department prays that:

The Connecticut Board of Examiners for Nursing, as authorized by the Connecticut General Statutes, §§ 20-99(b) and 19a-17, summarily suspend respondent's license to practice as a licensed practical nurse until a full hearing on the merits can be held, and that it revoke, or order other disciplinary action against, the licensed practical nurse license of Michelle Rosa-Harris, L.P.N. as it deems appropriate and consistent with law.

¹ The Department originally filed a Motion for a Continuance of Hearing Date requesting that the hearing on the statement of charges in Petition No. 2023-483 be continued until August 16, 2023, the originally published date for the Board's August 2023 meeting. Upon learning that the Board's August meeting is currently scheduled for August 9, 2023, the Department filed its Amended Motion for a Continuance of Hearing Date.

Dated at Hartford, Connecticut this 28th day of July 2023.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Michelle Rosa-Harris, L.P.N.

Petition No. 2023-483
2023-886

RENEWED MOTION FOR SUMMARY SUSPENSION

The Department of Public Health (hereinafter "the Department") hereby moves, in accordance with the Connecticut General Statutes §§4-182(c) and 19a-17(c), that the Connecticut Board of Examiners for Nursing summarily suspend the license of Michelle Rosa-Harris, L.P.N. to practice as a licensed practical nurse in Connecticut. This motion is based on the attached Amended Statement of Charges and Affidavit, and on the Department's information and belief that the respondent's continued practice as a nurse represents a clear and immediate danger to the public health and safety.

Dated at Hartford, Connecticut this 28th day of July 2023.



Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Michelle Rosa-Harris, L.P.N.

Petition No. 2023-483
2023-886

SUMMARY SUSPENSION ORDER


WHEREAS, the Department of Public Health having moved for an order of summary suspension in this matter, and having submitted a duly verified affidavit in support of its motion; and

WHEREAS, said affidavit allege facts which show violations of Conn. Gen. Stat. § 20-99 (b) (2) and (5); and which constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. § 19a-17 (a) and (c); and which imperatively require emergency action in that the public health, safety, or welfare of the citizens of the State of Connecticut is in clear and immediate danger.

NOW, THEREFORE, pursuant to §§ 4-182(c) and 19a-17(c) of the Connecticut General Statutes, it is hereby **ORDERED**, by vote of the Board of Examiners for Nursing (hereinafter "the Board"):

1. That license number 035794 of Michelle Rosa-Harris, L.P.N. to practice as a licensed practical nurse in the State of Connecticut is hereby summarily suspended pending a final determination by the Board regarding the allegations contained in the Statement of Charges, and
2. That said license shall be immediately surrendered to the Department of Public Health Hearing Office, 410 Capitol Avenue, MS#13PHO, P.O. Box 340308, Hartford, CT 06134-0308 upon notification of this Order, and
3. That a hearing in this matter is scheduled for the 20th of September 2023, at 9:00 (AM/PM) in Via Microsoft Teams.

Dated at Hartford, Connecticut this 17th day of August 2023.


Patricia Bouffard, R.N., Chairperson
Board of Examiners for Nursing

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

Michelle Rosa-Harris, L.P.N.
133 Oakville Avenue
Waterbury, CT 06708-1600

Via Email: (michelle_abrantes@hotmail.com)

RE: Michelle Rosa-Harris, L.P.N. Petition No. 2023-483 and 2023-886

NOTICE OF HEARING

By authority of the General Statutes of Connecticut, Section 4-177, you are hereby notified to appear before the Board of Examiners for Nursing for a hearing on the attached Charges against you at **9:00 AM on September 20, 2023**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing. The link to connect to the hearing will be provided by email 3-5 days prior to the hearing.

These Charges are being brought against you under the provisions of the Sections 19a-9, 19a-10 and 20-99(b) of the Connecticut General Statutes. The hearing will be conducted in accordance with Chapter 54 of the General Statutes of Connecticut and Section 19a-9-1, et seq., of the Regulations of Connecticut State Agencies (Public Health Code).

At the hearing you will have the opportunity to present your evidence, including witnesses and documents. It will be your responsibility to provide the hearing connection link to any witnesses you may call.

Filing an Answer; Failure to File Answer:

You are required to file an answer to the attached Charges with the Department of Public Health within 14 days from the date of this Notice of Hearing. Please note: *failure to file an Answer could result in the allegations being found to be true as stated, and the possibility that you will not be permitted to submit any evidence concerning the allegations.*

Representation by an Attorney:

At the aforementioned hearing you may be represented by an attorney and present evidence on your behalf. Although you may represent yourself (pro se), you are urged to obtain the services of an attorney.

Documents:

If you intend to introduce documents into evidence, **YOU MUST COMPLY WITH THE FOLLOWING REQUIREMENTS:**

Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, and properly redacted.

The following information shall be redacted.

- (1) Date of birth
- (2) Mother's maiden name
- (3) Motor vehicle operator's license number
- (4) Social Security Number
- (5) Other government-issued identification number
- (6) Health insurance identification number
- (7) Financial account number
- (8) Security code or personal identification number (PIN)

Order Re: Filings

In preparation for this hearing you must, no later than **September 13, 2023**, provide the information specified in the attached Notice for Submissions.

All communications to the Board shall be submitted in this fashion. The Department or Respondent shall provide a copy of each document filed to Respondent or Department as the case may be and certify such to the Board.

Failure to Appear:

If you fail to appear at the hearing, upon proof that due notice was served upon you to appear, the Board may proceed in the same manner as though you were present in person. **The Board may hold a fact-finding meeting immediately following the close of the record.**

Please call 860-509-7566 as soon as possible if you have any questions about the hearing schedule.

Dated at Hartford, Connecticut this 11th day of August 2023.

For the Connecticut Board of Examiners for Nursing

/s/ Tyra Anne Peluso
Tyra Anne Peluso, Administrative Hearings Specialist

c: Christian Andresen, Section Chief, Practitioner Licensing and Investigations
Craig A. Sullivan, Office of Legal Compliance

The Department of Public Health is an equal opportunity provider and employer.

*If you require aid/accommodation to participate fully and fairly,
please contact the Public Health Hearing Office at 860-509-7566.*

Notice for Submissions

The hearing in the matter of **Michelle Rosa-Harris, L.P.N.** has been scheduled for **September 20, 2023** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **September 13, 2023**, you must provide the following by electronic mail response to the Department of Public Health, Public Health Hearing Office at phho.dph@ct.gov.

1. Electronically Pre-filed exhibits – Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, **and properly redacted for any personally identifiable information.** *Parties and/or counsel should stipulate to any exhibits and facts not in dispute and provide any objections to proposed exhibits.* All exhibits also must be sent to the opposing party or counsel.
2. Witness List – identify any persons expected to be called to testify. Be sure to notify your witnesses that they will be required to remain available and in attendance for the full duration of the hearing. (This will eliminate the difficulty of trying to reach witnesses again for rebuttal or additional examination later in the hearing). Witness lists also must be sent to the opposing party or counsel.
3. Photo Identification: Self-represented parties should provide a copy of a government-issued photo identification for yourself and any witnesses you expect to call. Photo identification is *not* required for parties represented by counsel, or witnesses called to testify for parties represented by counsel.
4. Electronic Mail (“e-mail”) addresses for parties, counsel and witnesses. All e-mail addresses must be current and able to receive all notices relating to this matter.
5. Cellphone numbers for all parties, counsel, and witnesses at which they can be reached and respond to text message during the hearing (in the event a connection is lost).
6. A statement whether executive session may be required to receive testimony containing personal protected information, and if so, what that information may be (treatment records, patient records, therapy reports). Parties or counsel should identify any witnesses listed in response to #2 above who may provide testimony relating to personal protected information requiring executive session.
7. A statement whether an interpreter will be needed for the proceeding.

This is a formal public hearing. It will be video recorded and posted on the DPH website for public viewing*. All hearing participants should appear in proper attire, in proper surroundings, and remove any potential distractions.

In preparation, please make sure all of your devices are fully functioning and properly charged. All participants are required to have video and audio functions on when testifying or speaking.

Documents are not required to be shared on-screen during hearings, as all parties, attorneys, board members and/or hearing officers have been provided such documents. Parties and/or attorneys who elect to share documents for viewing on-screen during the hearing must do so from their own equipment. Confidential documents should only be shared in executive session. Hearing Office staff/ Teams administrators are not responsible for the sharing of submitted documents in the presentation of a party’s case.

Our office will contact you again 3 to 5 calendar days prior to the hearing to provide you with any further instructions and a Microsoft Teams link / phone number and code to enter the hearing.

Should you have any questions please contact the hearing office at phho.dph@ct.gov.

*The executive session portion of any hearing will not be recorded on video or posted for public viewing



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Manisha Juthani, MD
Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

August 14, 2023

Mary Alice Moore Leonhardt
Moore Leonhardt & Associates LLC
21 Oak Street, Ste. 207
P.O. Box 1334
Hartford, CT 06126-1334

VIA EMAIL ONLY (ma@mooreleonhardt.com)

Craig Sullivan, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340380
Hartford, CT 06134-0308

VIA EMAIL ONLY (craig.sullivan@ct.gov)

RE: Michelle Rosa-Harris, L.P.N. Petition No. 2023-483 and 2023-886

NOTICE OF RESCHEDULED HEARING

The hearing in the above referenced matter is rescheduled from September 20, 2023 to September 6, 2023.

The hearing will be held via Microsoft TEAMS during the meeting of the Board of Examiners for Nursing.

FOR: BOARD OF EXAMINERS FOR NURSING

/s/ Tyra Anne Peluso

Tyra Anne Peluso, Administrative Hearings Specialist/Board Liaison
Department of Public Health
410 Capitol Avenue, MS #13PHO
PO Box 340308
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Hartford, Connecticut 06134-0308
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Affirmative Action/Equal Opportunity Employer



Notice for Submissions

The hearing in the matter of **Michelle Rosa-Harris, L.P.N.** has been scheduled for September 6, 2023 and will be conducted remotely through Microsoft Teams/teleconference.

On or before **August 23, 2023**, you must provide the following by electronic mail response to the Department of Public Health, Public Health Hearing Office at poho.dph@ct.gov.

1. Electronically Pre-filed exhibits – Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, **and properly redacted for any personally identifiable information.** *Parties and/or counsel should stipulate to any exhibits and facts not in dispute and provide any objections to proposed exhibits.* All exhibits also must be sent to the opposing party or counsel.
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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Manisha Juthani, MD
Commissioner



Ned Lamont
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BOARD OF EXAMINERS FOR NURSING

September 7, 2023

Mary Alice Moore Leonhardt
Moore Leonhardt & Associates LLC
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Hartford, CT 06126-1334

VIA EMAIL (ma@mooreleonhardt.com)
VIA Certified Mail 9590 9402 8095 2349 6413 59

Craig Sullivan, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340380
Hartford, CT 06134-0308

VIA EMAIL ONLY (craig.sullivan@ct.gov)

RE: Michelle Rosa-Harris, L.P.N. Petition No. 2023-483 and 2023-886

RULING ON REQUEST FOR CONTINUANCE **and** **NOTICE OF RESCHEDULED HEARING**

The Request for Continuance requested during the September 6, 2023, hearing is **GRANTED**. The hearing is rescheduled to **October 18, 2023**.

The hearing will be held via Microsoft TEAMS during the meeting of the Board of Examiners for Nursing.

FOR: BOARD OF EXAMINERS FOR NURSING

/s/ Tyra Anne Peluso

Tyra Anne Peluso, Administrative Hearings Specialist/Board Liaison
Department of Public Health
410 Capitol Avenue, MS #13PHO
PO Box 340308
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Affirmative Action/Equal Opportunity Employer



Notice for Submissions

The hearing in the matter of **Michelle Rosa-Harris, L.P.N.** has been scheduled for **October 18, 2023** and will be conducted remotely through Microsoft Teams/teleconference.

On or before **October 10, 2023**, you must provide the following by electronic mail response to the Department of Public Health, Public Health Hearing Office at pgho.dph@ct.gov.

1. Electronically Pre-filed exhibits – Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, **and properly redacted for any personally identifiable information.** *Parties and/or counsel should stipulate to any exhibits and facts not in dispute and provide any objections to proposed exhibits.* All exhibits also must be sent to the opposing party or counsel.
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In preparation, please make sure all of your devices are fully functioning and properly charged. All participants are required to have video and audio functions on when testifying or speaking.

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Should you have any question please contact the hearing office at pgho.dph@ct.gov.

**The executive session portion of any hearing will not be recorded on video or posted for public viewing.*



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Manisha Juthani, MD
Commissioner



Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

BOARD OF EXAMINERS FOR NURSING

September 25, 2023

Michelle Rosa-Harris
c/o Mary Alice Moore Leonhardt
Moore Leonhardt & Associates LLC
21 Oak Street, Ste. 207
P.O. Box 1334
Hartford, CT 06126-1334

VIA EMAIL (ma@mooreleonhardt.com)
VIA Certified Mail 7005 2570 0001 4943 3556

Craig Sullivan, Staff Attorney
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410 Capitol Avenue, MS #12LEG
PO Box 340380
Hartford, CT 06134-0308

VIA EMAIL ONLY (craig.sullivan@ct.gov)

RE: Michelle Rosa-Harris, L.P.N. Petition No. 2023-483 and 2023-886

RULING ON REQUEST FOR CONTINUANCE

A motion requesting a continuance was submitted by the Department to the Public Health Hearing Office on September 21, 2023, in the above-referenced matter. The motion is **GRANTED** and the hearing is rescheduled to **Wednesday, November 15, 2023, at 8:30 am**. The hearing will be held by video conference during the meeting of the Board of Examiners for Nursing.

In preparation for this hearing, you must, no later than October 20, 2023, provide the information specified in the attached Notice for Submissions.

The Summary Suspension of respondent's registered nurse license remains in effect.

FOR: BOARD OF EXAMINERS FOR NURSING

BY: /s/ Tyra Anne Peluso

Tyra Anne Peluso, Administrative Hearings Specialist/Board Liaison
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Affirmative Action/Equal Opportunity Employer



Notice for Submissions

The hearing in the matter of: **Michelle Rose-Harris, LPN**. has been rescheduled to **November 15, 2023**, and will be conducted remotely through Microsoft Teams / teleconference.

On or before **October 20, 2023**, you must provide the following by electronic mail response to the hearing office:

1. Electronically Pre-filed exhibits – Exhibits should be pre-marked for identification (i.e. Department exhibit 1, Respondent exhibit A), page numbered, **and properly redacted for any personally identifiable information**. *Parties and/or counsel should stipulate to any exhibits and facts not in dispute and provide any objections to proposed exhibits*. All exhibits also must be sent to the opposing party or counsel.
2. Witness List – identify any persons expected to be called to testify. Be sure to notify your witnesses that they will be required to remain available and in attendance for the full duration of the hearing. (This will eliminate the difficulty of trying to reach witnesses again for rebuttal or additional examination later in the hearing). Witness lists also must be sent to the opposing party or counsel.
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Should you have any question please contact the hearing office at phho.dph@ct.gov.

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