

**FILED**  
**JUL 18 2012**  
 N.J. BOARD OF NURSING

STATE OF NEW JERSEY  
 DEPARTMENT OF LAW & PUBLIC SAFETY  
 DIVISION OF CONSUMER AFFAIRS  
 NEW JERSEY STATE  
 BOARD OF NURSING

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IN THE MATTER OF THE  
LICENSE OF

CHERYL MILLER, R.N.  
License # NR 13738800

TO PRACTICE NURSING IN THE  
STATE OF NEW JERSEY

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Administrative Action

FINAL ORDER  
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a registered nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about March 9, 2012, a Demand for Statement in Writing Under Oath was sent to respondent on behalf of the Board, posing questions to respondent relating to her nursing practice and her participation in substance abuse monitoring programs in Florida and in New Jersey.
3. Respondent, in her answer to the Demand for Statement in Writing Under Oath, admitted that while practicing in New Jersey in June of 2009, she enrolled in the Recovery and Monitoring Program of New Jersey (RAMP) after she was observed self-

injecting Fentanyl. Respondent enrolled in the Florida Intervention Program for Nurses, but subsequently relapsed and lost her position as a nurse.

4. Respondent was placed on administrative leave in June of 2011 because of a positive drug test. (Exhibit B, #5) According to respondent, her "clean date" for drug use is September 20, 2011.

5. Respondent has indicated that she is unable to enroll in and participate in a substance abuse monitoring program in New Jersey.

#### CONCLUSIONS OF LAW

1. Respondent's substance abuse history indicates that she has, within the previous 365 days, engaged in drug or alcohol use that is likely to impair her ability to practice nursing with reasonable skill and safety. within the intendment of N.J.S.A. 45:1-21(l).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on April 17, 2012, provisionally suspending respondent's nursing license until she was able to demonstrate that she had enrolled in RAMP or an equivalent, Board-approved monitoring program, and demonstrate that she was fit and competent to practice nursing. A copy of the order was forwarded to respondent at her address of record by certified and regular mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be

modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the certified mailing was signed for, and the regular mailing was not returned, no response to the Provisional Order was received. The Board determined that service had been effected, inasmuch as the Provisional Order had been mailed to respondent's address of record. The Board further determined that since no discrepancies had been raised with respect to the findings of fact and conclusions of law in the Provisional Order, further proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 18<sup>th</sup> day of July, 2012,

ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended until she can demonstrate that she has enrolled in RAMP or in an equivalent Board-approved monitoring program, and can demonstrate that she is fit and competent to resume nursing practice.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Ann Murphy PhD APN  
Patricia Ann Murphy, PhD, APN  
Board President