

FILED

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New Jersey Board of Nursing

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

IN THE MATTER OF THE :
LICENSE OF :
 :
JOELENE RYAN, R.N. :
License # 26NO 11975400 :
 :
TO PRACTICE NURSING IN THE :
STATE OF NEW JERSEY :

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 July 24, 2012, the Board ordered respondent pursuant to N.J.S.A. 45:1-22(f), to undergo a comprehensive mental health evaluation by a Board-approved evaluator within forty-five (45) days. The bases for this order were the circumstances surrounding respondent's termination from Memorial Hospital of Salem County in December of 2010, respondent's testimony at an investigative inquiry before a committee of the Board, and respondent's written submissions to the Board, which

indicated that respondent may have been incapable of performing the functions of a licensee within the intendment of N.J.S.A. 45:1-21(i).

3. Respondent complied with the Final Order, and an evaluation was submitted to the Board by Dr. Joseph Selm, a licensed psychologist.. The report indicated that although respondent had “previously demonstrated an ability to practice safely and competently,” he was concerned about events at her most recent place of employment which suggested difficulty with peer and supervisory relationships; respondent’s insight and judgment, partly manifested in respondent’s rationalization of her actions in disciplinary incidents at the hospital, including the apparent disregard for safety protocols and self justification in connection with that disregard. Dr. Selm recommended that respondent should participate in “[c]ontinued psychotherapy with a licensed mental health professional focused on stress management, gaining insight and facilitating optimal relationship interactions in the workplace.” Dr. Selm noted that respondent should be monitored for treatment progress and compliance, for example in a monitoring program such as the Recovery and Monitoring Program of New Jersey (RAMP). Dr. Selm further recommended that if respondent were permitted to practice nursing, “practice in high stress environments. . . might be limited to supervised practice for a period of time to ensure an ability to receive supervisory guidance and to optimize interactions with supervisors, peers and staff.” Dr. Selm also suggested a course in documentation.

CONCLUSIONS OF LAW

Based upon respondent's earlier submissions to the Board, respondent's testimony at the investigative inquiry, and the evaluation by Dr. Selm, the Board finds that in light of respondent's lack of insight and judgment in the practice of nursing, respondent is presently unable to perform the functions of a licensee within the intendment of N.J.S.A. 45:1-21(i).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") seeking suspension of Respondent's nursing license was entered on September 28, 2012. The Board has carefully reviewed all available information including the circumstances leading to Respondent's termination, her submission and testimony (included as exhibits supporting the findings in the July 2012 Final Order), her responses to the April 4, 2012 Provisional Order, the evaluation by Dr. Selm and Respondent's multiple responses to the Provisional Order filed on September 28, 2012.

The totality of Respondent's written and oral testimony and correspondence to the Board beginning in September 2011 and continuing to present does nothing to alleviate the Board's concerns regarding her poor judgment and insight. Dr. Selm noted Respondent's exhibited lack of personal accountability and persistent self-justification which impeded her in interactions in the workplace. This caused Dr. Selm sufficient concern that he recommended continued psychotherapy, monitoring and supervision to ensure her ability to function in the workplace. Respondent's written responses to the Provisional Order filed subsequent to Dr. Selm's evaluation are not commensurate with

the allegations in Order and continue to exhibit an apparent lack of comprehension of the Board's clearly stated concerns, as well as persistent attempts to blame others – colleagues, relations, attorneys – for any conflict or criticism that arises.

Respondent's arguments that she was not allowed to obtain legal counsel and that the investigative inquiry was "unfair in its timing" are unpersuasive. As early as September 2011, Respondent indicated in writing to the Board that she intended to obtain legal counsel regarding this matter. The transcript from her January 11, 2012 appearance clearly indicates that she was told that she could adjourn and obtain legal counsel at any point. The Board cannot force a licensee to obtain legal counsel, nor can a Board grant continued delays in its investigations.

The ability to exercise judgment is crucial to the practice of nursing, and the wellbeing of vulnerable patients may be placed in jeopardy where that ability is impaired or defective. Respondent's consistently disordered thought process manifested in her testimony and rambling submissions, much of it focused at length on irrelevancies, is compelling, and unquestionably forms a predicate upon which to support a finding that respondent, absent therapy and supervision, is incapable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare within the intendment of N.J.S.A. 45:1-22(i).

The Board finds that a period of suspension, mandated supervised employment and ongoing psycho-therapy is a well-balanced resolution which provides sufficient protection to the public while at the same time providing Respondent a pathway back into practice.

Therefore, the Board determined that further proceedings are not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 15th day of February 2013,
ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended for a minimum period of one year. At any point during that one year period, respondent may apply for reinstatement if she is able to demonstrate that she has a promise of employment where her nursing practice will be subject to supervision and guidance, by a supervisor or colleague approved by the Board who agrees to provide the Board with written reports concerning her nursing practice on a quarterly basis. At that juncture, if the Board approves respondent's petition for reinstatement, and employment in a supervised setting, the remaining period of suspension is to be stayed and served as a period of probation.

2. During the period of suspension, whether active or stayed, Respondent shall undergo therapy on a regular basis, and is to have her therapist furnish the Board with progress reports on a quarterly basis. The first report is due ninety (90) days following the filing of a Final Order of Discipline in this matter.

3. Commencing at the end of a one year period, dating from the filing of this Order, respondent may petition for a termination of suspension, active or stayed. The suspension shall not be terminated unless respondent can demonstrate compliance with the terms of this Order, including the submission of required reports, and until respondent

has appeared before the Board. The Board reserves the right to limit respondent's practice or impose monitoring requirements as a condition of reinstatement..

NEW JERSEY STATE BOARD OF NURSING

By: *Patricia Murphy PhD, APRN, FAAN*
Patricia Ann Murphy, PhD, APN
Board President