

JEFFREY S. CHIESA  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law 5th Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the State Board of Nursing

FILED  
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N.J. BOARD OF NURSING

By: Susan Carboni  
Deputy Attorney General  
Tel. (973) 648-2894

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

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IN THE MATTER OF THE LICENSE OF : Administrative Action  
: :  
JOHN CHIKOWSKI, R.N. : :  
: :  
LICENSE # 26NR14006500 : ORDER OF REINSTATEMENT  
: OF LICENSE  
: :  
TO PRACTICE NURSING IN THE : :  
STATE OF NEW JERSEY : :  
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This matter was opened to the New Jersey State Board of Nursing (" Board") upon receipt of respondent's request for reinstatement of his nursing license. Respondent had voluntarily surrendered his nursing license by means of a Consent Order Granting Voluntary Surrender of Licensure filed on June 6, 2011. Respondent had been terminated from employment at Hudson County Meadowview Psychiatric Hospital on November 20, 2011 based upon a Fitness for Duty Evaluation finding that respondent was "psychologically unsuitable to perform the duties of a nurse."

Respondent contested the termination, and on April 16, 2012, an Initial Decision by Barry E. Moscovitz, ALJ, ordered respondent's removal reversed, with back pay awarded. On August 1, 2012, following de novo review of the record, the Civil Service commission disagreed with the ALJ, and found that the ALJ's findings that respondent was fit for duty, and that respondent had not used inappropriate language in addressing colleagues could not be sustained, and that the penalty of removal of respondent was not unduly harsh and should be upheld.

The Consent Order Granting Voluntary Surrender of License filed on June 6, 2011 provided that, prior to reinstatement of respondent's nursing license, he would be required to appear before the Board, or a committee thereof, to discuss his resumption of the practice of nursing. It also required that respondent present a psychiatric evaluation from a Board-approved psychiatrist or clearance from the Recovery and Monitoring Program of New Jersey (RAMP), and other evidence that respondent is capable of discharging the functions of a licensee.

Respondent has been evaluated by Dr. Ricardo J. Fernandez and Dr. Harvey Hammer, both diplomates of the American Board of Psychiatry and Neurology. He also underwent evaluation under the auspices of RAMP by Dr. Joel Federbush. He has attended psychotherapy and participated in an anger management program under the auspices of RAMP. He appeared before a committee of the

Board on September 25, 2012, and responded to questions about his prior conduct and about the practice of nursing. The evaluators have indicated that reinstatement of respondent's nursing license is appropriate. Respondent has continued his participation in RAMP, and the Board has been advised that RAMP recommends reinstatement of respondent's nursing license at this time, finding that respondent is fit to resume practice.

The Board finding that reinstatement of respondent's license to practice nursing is appropriate, and that the within Order is sufficiently protective of the public health, safety and welfare, in lieu of further proceedings, and for other good cause shown;

IT IS on this <sup>8<sup>th</sup></sup> *23* day of <sup>May</sup> *ARRE* *sc*, 2013

HEREBY ORDERED AND AGREED that:

1. Respondent's petition for reinstatement of his license to practice nursing in New Jersey is granted upon review and approval of a completed application for reinstatement along with the requisite fees, information and the required Criminal History Background Check.

2. A period of suspension is hereby imposed, based upon the findings of the Civil Service Commission decision of August 1, 2012 upholding the findings of the Final Notice of Disciplinary Action that respondent had engaged in conduct unbecoming a public employee, and was unfit for duty as a nurse, which constitute the equivalent of violations of N.J.S.A. 45:1-

21(e) and (i). Respondent shall receive credit on the period of suspension from the date upon which respondent voluntarily surrendered his license, that is from June 6, 2011, to the present. The twenty two month period of suspension shall be deemed to have terminated upon the date of filing of the within Order.

3. Respondent shall not perform any nursing assignments in a psychiatric setting, nor shall he accept employment as a private duty nurse, or in any setting where he works without supervision, until further order of the Board.

4. Respondent shall remain enrolled in, and remain compliant with, all of the terms and conditions of participation in the RAMP program. Respondent shall cause RAMP to inform the Board in writing if respondent is non-compliant with, or is terminated from or resigns from further participation in the program together with the reason for and complete documentation of the non-compliance, termination and/or resignation.

Notification of the Board shall be within 24 hours of determination of non-compliance, termination or resignation, or as soon thereafter as is practicable. Respondent shall provide RAMP's Interim Director with a complete copy of the within Order.

5. Respondent shall provide a release to RAMP allowing RAMP to provide pertinent reports, records and other information pertaining to respondent to the Board. Respondent's signature on

this order signifies respondent's waiver of any right to confidentiality with respect to these matters, and respondent's agreement that the Board may utilize any such reports, records and other information it receives from RAMP in any proceeding regarding respondent's licensure and that the Board may release any pertinent information in its possession to RAMP.

6. Respondent shall attend regular 12 step support group meetings or the equivalent, and nurse peer support group meetings, if required by RAMP. He shall attend individual counseling and psychiatric treatment until successful discharge, if required by RAMP. Respondent shall submit to random observed urine or hair testing if required by RAMP. Respondent's failure to submit to or provide a urine sample when requested shall be deemed to be a violation of the terms of this Order.

7. Respondent shall work only in settings approved by RAMP, and shall have access to or responsibility for administering, dispensing or ordering potentially addictive substances in the course of his employment, only if approved by RAMP. He shall not work more than 12 hours (excluding any additional time needed to meet documentation requirements) within any 24 hour period nor more than 40 hours per week (excluding any additional time needed to meet documentation requirements), unless approved by RAMP.

8. Respondent shall provide to RAMP any and all reports

required pursuant to his RAMP contract, including reports from his employer or self-assessment reports.

9. Respondent shall notify RAMP within 10 days of any change of address, or any termination, resignation or leave of absence from any place of nursing employment.

10. Respondent shall immediately inform each employer representative and nursing supervisor of the terms of this Order and provide them with a copy of the Order. Respondent shall ensure that each employer representative and nursing supervisor provides written notification on facility letterhead to RAMP acknowledging receipt of a copy of the within Order and its terms.

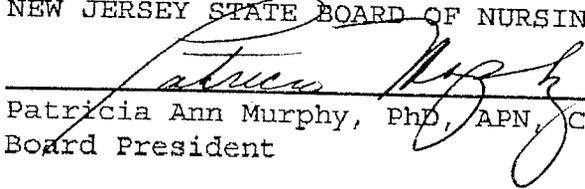
11. Respondent shall remain in RAMP until successful completion of the program. Upon successful completion of RAMP, respondent shall notify the Board in writing. Upon receipt of written notification from the Board, respondent may then be released from the requirements of this Order by written notification, without further order of the Board. Unless respondent has successfully completed RAMP, and received written notification from the Board that she is released from the requirements of this Order, respondent may not modify the conditions of this order without submitting a written petition to the Board providing a detailed explanation of the basis for the modification request, and must then enter into a new, modified

agreement with the Board in the event the Board grants respondent's petition for modification.

12. Any deviation from the terms of this Order without the prior written consent of the Board shall constitute a failure to comply with the terms of this Order. Upon receipt of any reliable information indicating that respondent has violated any term of this Order, respondent's license may be automatically suspended by the Board. Respondent, upon notice, may request a hearing to contest the entry of such an order. At any such hearing the sole issue shall be whether any of the information received regarding respondent was materially false. In addition, the Board reserves the right to bring further disciplinary action.

NEW JERSEY STATE BOARD OF NURSING

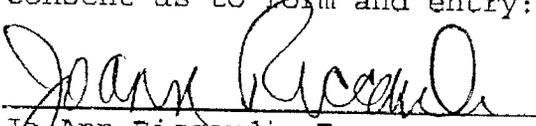
By:

  
Patricia Ann Murphy, PhD, APN, C  
Board President

I have read and understand  
the within Consent Order  
and agree to be bound by  
its terms.

  
John Chikowski, R.N.

Consent as to form and entry:

  
Jo Ann Riccardi, Esq.  
Attorney for John Chikowski, R.N.