

FILED
JUN 20 2013
N.J. BOARD OF NURSING

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

IN THE MATTER OF THE SUSPENSION :	Administrative Action
OR REVOCATION OF THE LICENSE OF :	
ROCCO VERGOGLINI, R.N. :	
License # 26NO11689800 :	FINAL ORDER
TO PRACTICE NURSING IN THE :	OF DISCIPLINE
STATE OF NEW JERSEY :	

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

FINDINGS OF FACT

1. Rocco Vergoglioni ("Respondent") is a registered professional nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. The Board received information indicating that Respondent underwent a pre-employment physical examination at St. Francis Medical Center on July 28, 2012 and appeared to be

impaired. A urine screening was conducted, the results of which indicated the presence of codeine, morphine, and 6-monoacetylmorphine (a heroin specific metabolite). Based on the results of the urine screening, Respondent's conditional offer of employment was rescinded.

3. Respondent was offered the opportunity to participate with the Board's designated monitoring program, the Recovery and Monitoring Program ("RAMP"), but failed to avail himself of their services.

CONCLUSIONS OF LAW

Based upon the positive results of Respondent's pre-employment physical exam urine screening, the Board finds that Respondent is presently engaged in drug use that is likely to impair his ability to practice nursing with reasonable skill and safety, within the intendment of N.J.S.A. 45:1-21(1). For purposes of N.J.S.A. 45:1-21(1), the term "presently" means at this time or any time within the previous 365 days. As a condition of any reinstatement of licensure, the Board will require Respondent to submit to monitoring and evaluation to determine whether Respondent's continued practice may jeopardize the safety and welfare of the public in accordance with N.J.S.A. 45:1-22(f). Additionally, as a condition of any reinstatement, the Board will also require Respondent to submit to professional

treatment as may be necessary to properly discharge nursing functions in accordance with N.J.S.A. 45:1-22(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on March 27, 2013, provisionally suspending respondent's nursing license. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th 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.

Respondent replied to the Provisional Order via his attorney, who indicated that respondent had not contacted RAMP because he had been busy, but that he had been receiving treatment from an addiction psychiatrist since December of 2011. Respondent's attorney asked that the Board dismiss the Provisional Order and "allow" respondent to contact RAMP. The Board considered these arguments, but noted that although respondent had been treating with the psychiatrist since 2011, the pre-employment drug screen which tested positive for morphine and for a heroin-specific

metabolite took place in July of 2012. We accord little weight to the letter supplied by the addiction psychiatrist, as she was apparently treating respondent at the time that he tested positive for morphine and the heroin-specific metabolite, and does not address this, nor provide any assurance that the monthly screenings provided are random and directly witnessed, or if the chain of custody is secure. Moreover, respondent has had ample time to enroll in RAMP since September of 2012, when he was sent a monitoring agreement, and has nonetheless failed to enroll; nor has taken any steps to enroll in RAMP since March of 2013, when the Provisional Order issued. Accordingly, the Board determined that inasmuch as no discrepancies had been raised with respect to the findings of fact and conclusions of law of the Provisional Order, as respondent does not dispute the fact of the drug screen results or his failure to enroll in RAMP, additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 20th day of June, 2013

ORDERED that:

1. Respondent's license to practice nursing is hereby suspended pursuant to N.J.S.A. 45:1-21(1).
2. The Board will not entertain an application for reinstatement from Respondent unless and until Respondent

demonstrates that he is fit and competent to practice nursing by undergoing monitoring, evaluation, and treatment under the auspices of RAMP and that RAMP supports his return to practice.

NEW JERSEY STATE BOARD OF NURSING

Patricia Murphy Ph.D. APN

By: _____

Patricia Murphy, PhD, APN
Board President