

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

KATHLEEN MUCKEL, L.P.N.
License # NE 00952400

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 licensed practical nurse in the State of New Jersey, whose nursing license expired on May 31, 2012.
2. On or about January 31, 2013, the Board wrote to respondent by certified and regular mail at her address of record, asking about allegations that she had diverted approximately 228 tablets of Percocet from the facility in the course of her employment. The certified mailing was returned, unclaimed. The regular mailing was not returned. No response was received.

3. On or about March 12, 2013, a follow-up mailing issued, forwarding the same questions to respondent by certified and regular mail at her address of record. The certified mailing was signed for. The regular mailing was not returned. No response was received.

4. Respondent apparently admitted to diversion of Percocet from the facility on April 20, 2012.

5. Respondent was also asked by the Board in both mailings to document all nursing continuing education earned during the June 1, 2010-May 31, 2012 renewal period. No response has been received to date.

CONCLUSIONS OF LAW

1. Respondent's failure to respond to a Board inquiry constitutes a failure to cooperate within the intendment of N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

2. Respondent's failure to document timely completion of continuing education requirements for the 2010-2012 renewal period constitutes a violation of N.J.A.C. 13:37-5.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on May 8, 2013, provisionally suspending respondent's nursing license, and imposing a total of \$450.00 in civil penalties. 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.

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

ACCORDINGLY, IT IS on this 15th day of July, 2013,

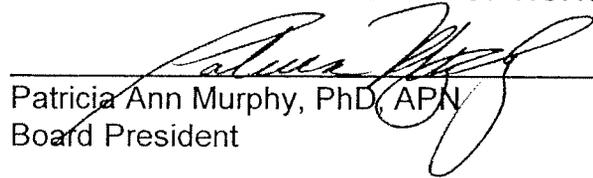
ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended. based upon respondent's violations of N.J.A.C. 13:45C-1.2, -1.3, and N.J.A.C. 13:37-5.3. Respondent shall not be reinstated unless or until she has fully responded to the Board's inquiry, and until she has demonstrated completion of a minimum of thirty (30) contact hours of valid nursing continuing education in satisfaction of the 2010-2012 renewal requirements. Prior to reinstatement, respondent must also demonstrate that she is fit and competent to practice nursing, by undergoing evaluation and monitoring by the Recovery and Monitoring Program of New Jersey (RAMP) or another Board-approved entity.

2. A \$200.00 civil penalty is hereby imposed for respondent's violation of N.J.A.C. 13:45C-1.2, -1.3; and a \$250.00 civil penalty is also provisionally imposed for respondent's violation of N.J.A.C. 13:37-5.3. The total monetary penalty imposed is \$450.00. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and shall be forwarded within fifteen (15) days of the filing of this order to the attention of George Hebert, Executive Director, Board of Nursing, P.O. Box 45010, 124 Halsey Street, 6th Floor, Newark, NJ 07101.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APN
Board President