

FILED
JUL 15 2013
N.J. BOARD OF NURSING

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

IN THE MATTER OF THE :
SUSPENSION OR REVOCATION :
OF THE LICENSE OF :
: Administrative Action
NANCY ANN CONNELLY :
License No. 26NPO3266300 : FINAL ORDER OF DISCIPLINE
:
TO PRACTICE NURSING :
IN THE 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 on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Nancy Ann Connelly ("Respondent") is licensed practical nurse in the State of New Jersey and has been a licensee at all relevant times.

2. The Board received information indicating that Respondent was arrested on or about October 8, 2009 by the Williamson County Sheriff's Office, Williamson County, Tennessee for Possession of Legend Drug without Scrip Hydroxyzine Pamoate (NJ 2C:35-10.5), Possession Legend Drug without Prescription Mobic (NJ 2C:35-10.5),

Possession Legend Drug without Prescription Imipramine (NJ 2C:35-10.5), Possession of Legend Drug without Prescription Xanax (NJ 2C:35-10.5), Simple Possession Schedule II Percocet (NJ 2C:35-10.5), Simple Possession Schedule II Oxycontin (NJ 2C:35-10.5), Possession of Legend Drug without Prescription Prozac (NJ 2C:35-10.5). The Board also received information that Respondent was arrested on or about May 23, 2010 by the Williamson County Sheriff's Office, Williamson County, Tennessee for Failure to Appear.

3. On March 10, 2011, the Board sent Respondent a request for information about her arrests on October 8, 2009 and May 23, 2010 including the final dispositions of both matters, to her address of record in Flemington, New Jersey via regular and certified mail.

4. On April 5, 2011 the Board received information from Respondent in response to the March 10, 2011 letter. Respondent's submission included: (1) a copy of respondent's Plea of Guilty to three charges of Possession of Legend Drugs without Prescription, one charge of Simple Possession and one charge of Failure to Appear; (2) a copy of the Final Disposition of her guilty plea to the Failure to Appear charge relating to her May 23, 2010 arrest; (3) a Narrative on the circumstances relating to her October 8, 2009 arrest, and (4) three character references. Although requested by the Board, the Respondent's April 2011 submission did not

include a copy of the final disposition of her October 8, 2009 arrest.

5. The Board received information indicating that Respondent was arrested on or about August 14, 2011 by the Hopewell Township Police for (1) Count 2C:35-10A(1) Possession of Controlled Dangerous Substance or Analog (Agency Case #6753).

6. On or about August 18, 2011, the Board sent Respondent a request to her address of record in Flemington, New Jersey via regular and certified mail, seeking information about her August 14, 2011 arrest and requesting for a second time a copy of the final disposition of her October 8, 2009 arrest. (Exhibit F). The regular mailing was not returned, and the return receipt for the certified mailing was signed on August 20, 2011 and returned to the Board evidencing receipt of the certified letter.

7. On or about September 21, 2011, the Board sent Respondent a second request to her address of record in Flemington, New Jersey via regular and certified mail seeking information about her August 14, 2011 arrest and requesting for a third time a copy of the final disposition of her October 8, 2009 arrest. The second notice advised that failure to respond may result in suspension of Respondent's license and imposition of penalties. The regular mailing was not returned, and the certified mailing was returned as "return to sender - no such street address - unable to forward".

8. On or about September 27, 2011 the Board received a

Confirmation of Adjournment relating to Respondent's August 14, 2011 arrest, reflecting that Respondent was scheduled for a pretrial conference on October 25, 2011.

9. To date, Respondent has failed to comply with the Board's requests of August 18, 2011 and September 21, 2011.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's inquiries constitutes a failure to cooperate with a Board investigation in contravention of N.J.A.C. 13:45C-1.2 - 1.3, which the Board deems professional misconduct within the meaning of N.J.S.A. 45:1-21(e), and thus subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h). Additionally, Respondent's guilty plea to charges of possession of controlled dangerous substances is a violation of N.J.S.A. 45:1-21(f) and indicates that she may be presently engaged in drug use that is likely to impair her ability to practice nursing with reasonable skill and safety within the intentment of N.J.S.A. 45:1-21(l).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license to practice nursing in the State of New Jersey was entered on August 14, 2012, and a copy was forwarded to Respondent's address of record in Flemington, New Jersey by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at

5:00p.m. on the thirtieth 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 Provisional Order sent by means of certified mail was returned to sender unclaimed, the regular mailing was not returned. Because the Order was forwarded to Respondent's address of record, the Board deems service to have been effected. Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final. Respondent cannot evade process by failing to respond.

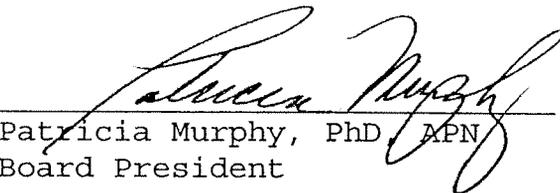
ACCORDINGLY, IT IS on this 15th day of July, 2013,

ORDERED that:

1. Respondent's license to practice nursing is suspended pursuant to N.J.S.A. 45:1-21(e) and (f) until such time as: (1) Respondent fully cooperates with the Board's investigation by providing the Board with the information requested in the letters dated August 18, 2011 and September 21, 2011 regarding her August 14, 2011 arrest and the final disposition of her October 8, 2009 arrest; and (2) Respondent enrolls in RAMP, and demonstrates that

she is fit and competent to practice nursing, that she is in full compliance with any agreement with RAMP and that RAMP supports her return to practice.

NEW JERSEY STATE BOARD OF NURSING

By: 
Patricia Murphy, PhD, APN
Board President