

FILED

AUG 23, 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 :
:
KATHLEEN CORE, LPN : FINAL ORDER OF DISCIPLINE
License # 26NP04909900 :
:
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 upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kathleen Core ("Respondent") is a Licensed Practice Nurse (LPN) in the State of New Jersey and has been a licensee at all relevant times.

2. On January 22, 2009, Respondent signed a private letter agreement with the Board and agreed to enroll in and participate with the Recovery and Monitoring Program of the Institute for Nursing (RAMP). The agreement was to remain confidential unless and until Respondent failed to abide by any term of the agreement.

3. In February 2010, Respondent underwent a comprehensive

mental health and substance abuse evaluation which recommended that Respondent continue to participate with RAMP for a few months and if she remained compliant, then she should be released from RAMP.

4. In or about May 2010, while still participating with RAMP, Respondent tested positive for an opiate, which violates the private letter agreement. RAMP attempted to contact Respondent multiple times in an effort to redirect Respondent towards compliance, but those attempts went unanswered and Respondent never again participated with RAMP.

5. The Board received information that Respondent was arrested, on December 19, 2012, by members of the Neptune Township Police Department and charged with one (1) Count of violating N.J.S.A. 2C:35-10A(1) (Possession of Controlled Substances or Analog), and one (1) Count of violating N.J.S.A. 2C:33-2.1 (Obtain/Sell Controlled Dangerous Substance in Public).

6. On or about December 20, 2012, the Board sent Respondent a letter to her address of record, via regular and certified mail, seeking information about her December 19, 2012 arrest, her nursing practice, and her continuing education. The letter reminded Respondent of her statutory and regulatory duty

to cooperate with a Board investigation.

7. Respondent provided a partial response by providing one page out of seven of the criminal complaint, a list of continuing education activities, and a letter indicating that she was not working and that "the drugs in question were in no way [hers]." Respondent failed to provide a complete copy of the complaint, the indictment, the criminal accusation, the police report, the disposition (judgment or Pre-Trial Intervention documents), and certificates of completion for continuing education listing dates, hours, and that the courses were accredited as continuing education for nurses.

CONCLUSIONS OF LAW

Respondent's failure to fully 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). Licensees are required to complete thirty hours of continuing education during each biennial renewal period pursuant to N.J.A.C. 13:37-5.3. Based upon Respondent's failure to provide certificates of completion, Respondent has failed to demonstrate, to the

satisfaction of the Board, that she has completed the required continuing education for the June 1, 2009 - May 31, 2011 and June 1, 2011 - May 31, 2013 biennial renewal periods. As such, Respondent failed to comply with regulations administered by the Board, subjecting Respondent to discipline pursuant to N.J.S.A. 45:1-21(h).

Respondent's positive drug test and departure from RAMP violates the private letter agreement and is considered a violation of a Board Order and deemed professional misconduct pursuant to N.J.A.C. 13:45C-1.4, subjecting Respondent to suspension pursuant to the terms of the private letter agreement and pursuant to N.J.S.A. 45:1-21(e). Based upon Respondent's positive drug test, departure from RAMP, and recent drug-related arrest, the Board finds that testing, monitoring, and evaluation are required to evaluate whether continued practice may jeopardize the safety and welfare of the public within the intendment of N.J.S.A. 45:1-22(f).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of Respondent's license to practice nursing in the State of New Jersey was entered on June 4, 2013. A copy was forwarded to

Respondent's last known address by means of both regular and certified mail. The regular mailing was not returned; the certified mail was delivered on June 7, 2013 and the receipt was signed upon delivery. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th 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.

To date, Respondent has not submitted a response to the Provisional Order. The Board determined that inasmuch as no discrepancies have been raised with respect to the findings and conclusions of the Provisional Order, no further proceedings are necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 23rd day of Aug., 2013,
ORDERED that:

1. Respondent's license to practice nursing is hereby suspended until Respondent fully responds to the Board's inquiry regarding her drug-related arrest, demonstrates completion of

all required continuing education from June 1, 2009 through May 31, 2013, and until she can demonstrate that she is fit and competent to practice.

2. The Board will not entertain an application for reinstatement from Respondent unless and until Respondent demonstrates that she is fit and competent to practice nursing, that she is in full compliance with any agreement with RAMP, that RAMP supports her return to practice, that she has fully answered all inquiries regarding her arrest to the satisfaction of the Board, and that she has demonstrated completion of continuing education.

3. Respondent shall refrain from practicing nursing and shall not represent herself as a licensed practical nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, PhD, APN
Patricia Murphy, PhD, APN
Board President