

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Nursing

FILED

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N.J. BOARD OF NURSING

By: Barbara J.K. Lopez
Deputy Attorney General
(973) 648-7454

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 :
:
IRENE SALVATORE, RN : ORDER OF SUSPENSION
License # 26NO07683100 : OF LICENSE
:
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 indicating the following:

1. Irene Salvatore ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey and has been a licensee at all relevant times. (Exhibit A).
2. Respondent entered into a private letter agreement with the Board on or about July 15, 2012. The agreement required, in

part, that Respondent enroll in the Recovery and Monitoring Program of New Jersey ("RAMP") to undergo evaluation and monitoring, including random urine screens. The agreement, which was to remain private and confidential unless and until the Board received reliable information that Respondent had violated any term, was to have the force and effect of a Board Order within the intendment of N.J.A.C. 13:45C-1.4. (Exhibit B).

3. By letter dated November 2, 2012, RAMP advised the Board that Respondent was not in compliance with the monitoring agreement she signed with RAMP on July 15, 2012. (Exhibit C).

4. The private letter agreement required Respondent to refrain from the use of potentially addictive substances. Respondent tested positive for alprazolam (Xanax) metabolites, barbiturates, and tramadol on six occasions from July 2012 through September 2012. (Exhibit D). The private letter agreement required Respondent to refrain from the use of all potentially addictive substances except as prescribed by an authorized health care practitioner. The private letter agreement further required Respondent to report all prescriptions within five days, including the name of the prescribing health care practitioner, the name of the drug, the

quantity, frequency, length, and reason for its use. (Exhibit D). Respondent submitted a generic note from her physician which states "Patient Irene Salvatore is under treatment for mental and physical health issues and has been prescribed medication by me for her diagnosis." (Exhibit E).

5. The private letter agreement required Respondent to submit to random urine screens as scheduled by an online monitoring system which requires daily check-ins. Respondent missed five check-ins during the four week period from September 28, 2012 to October 22, 2012. (Exhibit D). Respondent also failed to submit to two randomly scheduled urine screens during October 2012. (Exhibit D).

6. The private letter agreement required Respondent to submit monthly self-evaluation reports and attend meetings. (Exhibit B). Respondent failed to provide a self-evaluation report in September 2012 and failed to provide attendance reports for September 2012. (Exhibit D).

7. The letter agreement required Respondent to undergo a comprehensive mental health and substance abuse evaluation. Respondent underwent an evaluation in September 2012. The evaluator characterized Respondent as argumentative with poor insight, judgment, and decision-making ability. The evaluator

diagnosed her with mental health disorders and benzodiazepine dependence. The evaluator recommended that she attend a medical detox facility and then follow-up with inpatient treatment for her concurrent disorders. The evaluator concluded that Respondent was not safe to practice. (Exhibit F)¹.

8. The letter agreement required Respondent to follow the recommendations by RAMP for further treatment, including inpatient treatment. Respondent failed to follow the recommendations of RAMP for inpatient treatment and initially indicated that she would not do so. (Exhibit H). RAMP offered Respondent an alternative plan - treatment by a pain management specialist to address medications that Respondent claims she needs. (Exhibits C and D). Respondent failed to avail herself of that opportunity and instead submitted the doctor's note referred to in paragraph 4 above. (Exhibit E).

9. On or about January 29, 2013, a communication was sent to Respondent at her address of record by overnight and regular mail, advising Respondent that the Board had received information indicating that she was not in compliance with the private letter agreement and with her agreement with RAMP.

¹ Exhibit F, the evaluation report, has been sealed. Respondent has been provided with a full and complete copy.

Respondent was further advised to provide the Board with proof of any inaccuracy in that information within two weeks. (Exhibit G).

10. Respondent replied, through her attorney, and maintained that RAMP should reconsider their recommendations since the medications Respondent was taking were lawfully prescribed. (Exhibit H and E). Respondent failed to enter inpatient treatment or to obtain treatment by a pain management specialist. Although Respondent contacted RAMP in March and April of 2013 (Exhibit I) and made attempts to enter treatment, months have elapsed and Respondent has yet to initiate treatment as recommended by RAMP. (Exhibit D).

11. Respondent ceased participation with RAMP on or about April 2, 2013 and has failed to respond to RAMP's efforts to contact her to come into compliance. (Exhibit D). Respondent did not successfully complete the program and has not been released from the program. (Exhibit D). The private letter agreement requires Respondent to remain in RAMP until successful completion or release from the program. (Exhibit B).

12. The private letter agreement signed by Respondent provided for automatic suspension of Respondent's nursing license upon receipt of reliable information indicating that

Respondent had violated any term of the private letter agreement. The agreement states that Respondent may, upon notice to the Board, request a hearing to contest her automatic suspension; however, at any such hearing, the sole issue shall be whether any of the information received regarding Respondent's violation of the agreement was materially false. The Board also reserved the right to bring further disciplinary action. (Exhibit B).

13. Respondent's positive tests for potentially addictive substances, failure to check-in with the laboratory and online monitoring system on repeated occasions, failure to undergo a random urine screens, failure to provide reports, failure to follow the recommendation by RAMP for further treatment, and departure from RAMP in April 2013 without successfully completing the program or being released from the program each constitute a separate violation of the private letter agreement and constitutes a violation of N.J.A.C. 13:45C-1.4, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e), and automatic suspension of her license as provided in the private letter agreement.

ACCORDINGLY, IT IS on this 5th day of Sept., 2013,
HEREBY ORDERED that:

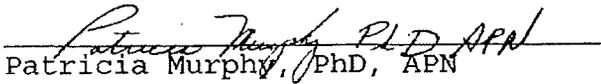
1. Respondent's license to practice nursing in the State of New Jersey is hereby suspended for her violation of the terms of the private letter agreement as set forth above, which is a violation of a Board Order within the intendment of N.J.A.C. 13:45C-1.4 and N.J.S.A. 45:1-21(e).

2. Respondent may, under the terms of the private letter agreement, request a hearing, upon notice, on the sole issue of whether information received that Respondent has failed to comply with the terms of the private letter agreement was materially false.

3. In the event that Respondent seeks reinstatement of her New Jersey nursing license at any future time, the Board shall not entertain any application for reinstatement without a demonstration by Respondent that she is in full compliance with the terms and conditions of the private letter agreement and with any agreement with RAMP, in addition to a demonstration that she is fit and competent to practice.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, APN
Board President