

FILED
SEP 19 2013
N.J. BOARD OF NURSING

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

IN THE MATTER OF THE APPLICATION :
FOR LICENSURE BY EXAMINATION OF : Administrative Action
: :
TANISHA R. BRYANT : FINAL ORDER
: OF DENIAL
: :
TO PRACTICE NURSING :
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Nursing (the "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. Tanisha R. Bryant ("the Applicant") submitted an official application for LPN nurse licensure by examination to the Board on or about September 13, 2010. Question 9 on the application asks "Do you currently hold, or have you ever held, a professional license or certificate of any kind in New Jersey, any other state, the District of Columbia or in any other jurisdiction?" (emphasis in original). The Applicant checked "no" and affirmed that answer to be true.

2. On December 28, 2010, after Ms. Bryant had submitted her application to the Board of Nursing, she was arrested and charged with theft of Controlled Dangerous Substances (five Xanax tablets and 675 Suboxone tablets) from the CVS pharmacy

where she worked. The Board placed Ms. Bryant's application on hold pending disposition of the criminal matter. Ms. Bryant entered Pre-Trial Intervention and the criminal matter was dismissed by Order dated June 15, 2012.

3. In or about August 2012, the Board of Nursing became aware that Ms. Bryant has held a license¹ as a Pharmacy Technician, issued by the New Jersey Board of Pharmacy, since January 5, 2009. The Applicant failed to disclose this license to the Board of Nursing.

4. The Board of Nursing further became aware that Ms. Bryant's pharmacy technician license had been suspended for five years pursuant to a Final Order of Discipline filed on October 11, 2011. The Final Order of Discipline was based, in part, upon Ms. Bryant's admissions that she stole CDS from her place of employment and then sold the CDS.

CONCLUSIONS OF LAW

The Board finds that Respondent has engaged in the use or employment of dishonesty or misrepresentation in failing to disclose that she held another professional license in New Jersey within the intendment of N.J.S.A. 45:1-21(b). Additionally, by stealing CDS from the pharmacy where she worked as a pharmacy technician and subsequently selling the CDS, Respondent engaged in acts constituting a crime or offense

¹ Although referred to here as a "license," this was actually a registration.

relating adversely to the practice of nursing within the
intendment of N.J.S.A. 45:1-21(f).

Based on the foregoing findings and conclusions, a Provisional Order of Denial was entered on June 26, 2013, provisionally denying Ms. Bryant's application for L.P.N. licensure. 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.

Ms. Bryant replied to the Provisional Order, seeking consideration. Ms. Bryant maintains that she was not actually licensed, and that is why she checked "no" on the application form. However, the Board notes that the application asks about "a professional license or certificate of any kind[.]" Consequently the Board finds that Ms. Bryant should have known that as a registered pharmacy technician in the State of New Jersey, under the jurisdiction of the State Board of Pharmacy, who paid fees for that registration, she should have responded "yes" to the question,

and her reliance on this argument is a hairsplitting exaltation of form of substance which under the circumstances does not bolster her credibility. Moreover, Ms. Bryant's misconduct, which included the theft of approximately 675 suboxone pills, which she subsequently sold, relates adversely to the practice of nursing, which affords access to controlled substances in the course of employment. Although Ms. Bryant professes remorse for her conduct, and professes her willingness to undergo monitoring, the fact that she sold the suboxone that she took from her place of employment indicates that the desire for monetary gain, not merely substance use disorder, may be at issue here. Therefore, mindful of its responsibility to protect the consuming public, the Board determined that additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 19th day of September, 2013,

ORDERED that:

1. Tanisha R. Bryant's application for LPN nurse licensure by examination in the State of New Jersey is hereby denied.
2. Respondent may not reapply to the New Jersey Board of Nursing until after October 11, 2016, which is the end of the five year period of suspension of her license as a New Jersey pharmacy technician.
3. At or before the time of any reapplication to the New

Jersey Board of Nursing, Respondent shall undergo a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery And Monitoring Program (RAMP) of the Institute for Nursing, shall gain RAMP's support for licensure, and shall demonstrate that she is fit and competent to practice. Respondent shall otherwise fulfill all application and licensure requirements.

4. Respondent shall bear the cost of the RAMP evaluation, monitoring, and treatment, if deemed necessary.

NEW JERSEY BOARD OF NURSING

Patricia Murphy PhD APN

By: _____

Patricia Murphy, PhD, APN
Board President