

FILED

OCT 08 2013

N.J. BOARD OF NURSING

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

~~CHRISTINE F. LOTTI~~, L.P.N.

License # 26NP05247900

Cristine F. Lotti
TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

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 upon 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, and has been a licensee at all times relevant hereto.
2. On or about December 31, 2012, respondent was arrested for shoplifting at a Walmart in Forked River, New Jersey. She was convicted of the offense on January 15, 2013, and sentenced to community service and assessed a total of \$658.00. At the time respondent engaged in the conduct that resulted in the arrest, her two small children were with her.

3. Respondent sought to justify the conduct as retaliation because she resented the manner in which she had been treated when she had attempted to return an item to the store several days earlier.

CONCLUSIONS OF LAW

1. The conduct underlying respondent's conviction, i.e., attempting to take property without paying for it, relates adversely to the practice of nursing within the intendment of N.J.S.A. 45:1-21(f).

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 May 29, 2013, and a copy served on respondent. 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 therefore.

Respondent timely replied to the Provisional Order of Discipline. Respondent acknowledged her wrongdoing stating she had an extreme lapse in judgment. Respondent requested a modification of the two year suspension provisionally imposed. Respondent set forth several mitigating circumstances which she claimed supported her request for elimination, or reduction, of the suspension. Respondent has readily

accepted the consequences of her actions and the seriousness of the criminal charge. Respondent voluntarily entered a guilty plea, paid a fine, and performed all aspects of her sentence. Walmart was fully repaid, thereby suffering no loss. The nature of the offense, shoplifting/attempt of theft, was not violent and did not cause serious harm or injury to another individual.

Furthermore, Respondent stated that she is forty-six (46) years old and has been a licensed practical nurse in the State of New Jersey for fourteen (14) years. Respondent stated that in her time as a licensed practical nurse she has never had any disciplinary issues, prior delinquencies, or criminal acts. In addition, respondent informed the Board that this was her first and only criminal violation, and prior to this offense she had never been charged with or convicted of any crime in this state or any other state. Additionally, respondent stated her remorse and assured the Board that she will not commit another crime. Respondent also asked the Board to consider that she is the sole provider for her family, including two young children, and in order to support her family she is currently working two jobs. Respondent requested that the Board reconsider the suspension of her license because it would result in extreme hardship to herself and her family.

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary. After considering respondent's submission, the Board has determined to modify the sanction. Respondent did not contest that her action warrants discipline; but asked the Board to revise the discipline imposed.

ACCORDINGLY, IT IS on this 8th day of Oct, 2013,

ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended for two years, which two year suspension shall be stayed and served as a period of probation. During the two year period of probation, respondent shall be barred from accepting employment in unsupervised settings, such as home care or visiting nurse services. The two year period of probation shall only toll during the time that Respondent works as a nurse. After serving two years of probation concurrent with her supervised nursing employment, Respondent shall petition the Board in writing to have the restrictions on her license lifted.
2. During this period of probation, Respondent is required to report to the Board any arrest, indictment, or conviction for any crime or disorderly persons offense within ten (10) days of the event. Any arrest, indictment, or conviction for any crime or disorderly persons offense within the probationary period shall be considered a violation of probation.
3. Respondent shall obey all the laws of the State of New Jersey, the United States and their political subdivisions as well as all regulations, rules or laws pertaining to the practice of nursing in the State or jurisdiction in which she practices nursing.
4. Any deviation from the terms of this Order without the prior written consent of the Board shall constitute a failure to comply with the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Order, Respondent's license may be automatically suspended by the Board until further Order of the Board. Within fifteen days following receipt of such notice,

Respondent may request a hearing to contest the entry of such an Order. At any such hearing, the sole issue shall be whether any of the information received was materially false. In addition, the Board reserves the right to bring further disciplinary action upon receipt of any new information.

NEW JERSEY STATE BOARD OF NURSING

By: *Patricia Murphy* PLD, APRN, FAAN
Patricia Ann Murphy, PhD, APN
Board President