

**FILED**

OCT 10 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 LICENSE OF	:	
	:	ADMINISTRATIVE ACTION
NICOLE SORCE, R.N.	:	
License No. 26NR11245100	:	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 (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. Nicole Sorce ("Respondent") is a registered professional nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Respondent was the subject of a Provisional Order of Discipline filed June 27, 2012, and a Final Order of Discipline filed on February 1, 2013, both of which were based upon

Respondent's failure to cooperate with a Board investigation concerning Respondent's suspension and termination from Bergen Regional Medical Center (BRMC) amidst allegations of drug diversion and impairment. Although offered the opportunity to enroll in and participate with the Recovery and Monitoring Program of New Jersey (RAMP), Respondent did not do so.

3. Respondent ultimately cooperated with the Board's investigation and admitted that in or about November 2012 she took several nicotine patches from BRMC. She explained that at the time of the taking, she was under extreme emotional stress and was attending regular therapy sessions. Respondent expressed remorse for her actions.

4. Respondent further indicated a willingness to undergo a comprehensive mental health and substance abuse evaluation under the auspices of RAMP.

5. As to the questions regarding continuing education, Respondent indicated that she would attempt to locate certificates of completion for her continuing education, but failed to follow up and provide any proof thereof.

6. On May 24, 2011, Respondent renewed her nursing license online and certified that she had completed the required continuing education for the June 1, 2009 - May 31, 2011 biennial renewal period. On May 22, 2013, Respondent renewed her

nursing license online and certified that she had completed the required continuing education for June 1, 2011 - May 31, 2013 biennial renewal period.

CONCLUSIONS OF LAW

The above actions provide grounds to take disciplinary action against Respondent's license to practice as a registered professional nurse in New Jersey pursuant to N.J.S.A. 45:1-21 (e) in that Respondent has engaged in professional misconduct by taking nicotine patches from her employer.

Pursuant to N.J.A.C. 13:37-5.3(b), a nurse shall complete a minimum of 30 hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license. N.J.A.C. 13:37-5.3(a). Additionally, a registered professional nurse or licensed practical nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:3-5.3(f).

Respondent failed to demonstrate, to the satisfaction of the Board, completion of the required thirty hours of continuing education for the June 1, 2009 - May 31, 2011 and June 1, 2011 - to May 31, 2013 biennial periods. The Board therefore finds

Respondent in violation of N.J.A.C. 13:37-5.3, which the Board deems professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation or failure to comply with a regulation administered by the Board within the intendment of N.J.S.A. 45:1-21(h). Additionally, Respondent engaged in the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b) by falsely certifying on her renewal application and on her answer to the Board's investigation that she had completed the required continuing education and would provide documentation thereof.

Lastly, Respondent's answers to the Board's investigation raise issues as to Respondent's health and prescription drug use such that testing, monitoring, and evaluation are warranted, as a condition for reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f).

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 10, 2013 provisionally imposing a suspension of Respondent's license to practice nursing, a reprimand, and a two hundred and fifty

dollar (\$250) civil penalty. A copy was forwarded to Respondent's last known address by means of both regular and certified mail. The regular mail was not returned. The certified mail was returned to the Board as "unclaimed" after two notices were left for 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 therefor.

Although the Provisional Order sent by means of certified mail was returned as "unclaimed", the regular mail was not returned. Because the Order was forwarded to Respondent's address of record, the Board deems service to have been effected. Moreover, Respondent telephoned the Board's attorney on two occasions, acknowledged receiving the Provisional Order, and indicated that she would be sending a response. Additional time was granted, but to date, Respondent has not submitted a response to the Provisional Order. Accordingly, the Board

determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 10<sup>th</sup> day of Oct., 2013,

ORDERED that:

1. Respondent's license to practice nursing is hereby suspended for having engaged in professional misconduct by taking nicotine patches from her employer and for failing to complete continuing education.
2. Respondent shall not be reinstated until she submits to a comprehensive mental health and substance abuse evaluation by RAMP, complies with RAMP's recommendations as established for her, and demonstrates that she is fit and competent to engage in the practice of nursing.
3. Respondent expressly waives any claim to privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any licensing proceedings.
4. All costs associated with the evaluation and/or monitoring outlined above shall be the responsibility of, and paid directly by, Respondent.
5. Further, Respondent shall not be reinstated until she demonstrates completion of continuing education for the June 1, 2009 - May 31, 2011 and June 1, 2011 - May 31, 2013 biennial

renewal periods. Hours of continuing education taken in the current biennial period may be retroactively applied to cure the deficiency of the provisions periods, but those same credits may not apply towards satisfaction of the current period.

6. A reprimand is hereby imposed on Respondent for falsifying the continuing education information on her license renewal applications.

7. A civil penalty in the total amount of two hundred and fifty dollars (\$250) is hereby imposed upon Respondent for failing to complete continuing education within the appropriate biennial renewal periods. Payment shall be made by certified check or money order, payable to "State of New Jersey," delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

8. Respondent shall refrain from practicing as a nurse and shall not represent herself as a Registered Professional 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, APRN, FAAN  
Patricia Murphy, PhD, APN  
President