

# FILED

APR 11 2014

N.J. BOARD OF NURSING

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

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IN THE MATTER OF THE :  
LICENSE OF :  
:  
PAMELA HAKEN, L.P.N. :  
License #: 26NP05142100 :  
:  
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 June 15, 2012, respondent was arrested and charged with burglary, theft by unlawful taking, and possession of burglar tools. On May 21, 2013 respondent was convicted of the down-graded charge of criminal trespass in violation of N.J.S.A. 2C:18-3A.
3. Respondent was previously arrested on June 8, 2010, and charged with possession of a controlled dangerous substance. She was admitted into a diversionary program and granted a conditional discharge.

4. In a letter dated September 9, 2013, respondent was asked on behalf of the Board to provide documentation of continuing education completed in satisfaction of the continuing education requirement for the June 1, 2011 – May 31, 2013 renewal period. Respondent had indicated on her 2013 renewal application that she would not timely complete the 2011-2013 continuing education obligation.

5. Respondent provided documentation of completing thirty (30) contact hours of continuing education in September 2013, which was not completed within the June 1, 2011- May 31, 2013 biennial period.

#### **CONCLUSIONS OF LAW**

Respondent's conviction on charges of criminal trespassing indicates that she engaged in conduct relating adversely to the practice of nursing within the intendment of N.J.S.A. 45:1-21(f).

Respondent's failure to demonstrate timely completion of the continuing education obligation for the June 1, 2011 - May 31, 2013 renewal cycle constitutes a violation of N.J.A.C. 13:37-5.3, and subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21 (e ) and (h).

#### **DISCUSSION**

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was filed on October 28, 2013 seeking a civil penalty and a comprehensive mental health and substance abuse evaluation. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth 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.

In response to the Provisional Order of Discipline, Respondent maintained that her drug-related arrest and conditional discharge were based upon drugs that belonged to a family member and that her most recent arrest occurred when she was helping a friend collect scrap metal from properties that had been struck by Hurricane Sandy. Respondent pleads that she needs to return to work as a nurse. The Board considered her response and emphasizes that the Provisional Order did not prevent her from working as a nurse as it did not seek a suspension of her license. Respondent holds an active license as a LPN in the State of New Jersey and the Provisional Order is seeking an evaluation and a civil penalty. The arrests and conviction raise the issue of whether Respondent's continued practice may jeopardize the safety and welfare of the public. As such, the Board finds a comprehensive mental health and substance abuse evaluation warranted pursuant to N.J.S.A. 45:1-22(f). The Board found that her response did not dissuade them from that position.

As to continuing education, Respondent acknowledged that she did not complete continuing education during the June 1, 2011 – May 31, 2013 biennial period, but took thirty hours of continuing education in September 2013 which may be applied to cure that deficiency. Any hours of continuing education used to cure a deficiency may not be applied to satisfy the requirements of the current biennial period.

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material

discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as respondent did not dispute the Findings of Fact or Conclusions of Law.

ACCORDINGLY, IT IS on this 11<sup>th</sup> day of Apr, 2014,

ORDERED that:

1. Respondent shall enroll in the Recovery and Monitoring Program of the Institute for Nursing (RAMP) for a minimum of ninety days, to undergo a comprehensive mental health and substance abuse evaluation, to ascertain whether respondent is fit and competent to practice nursing. Respondent shall enroll in RAMP within thirty (30) days following the issuance of this Final Order of Discipline. Respondent shall follow any recommendations by RAMP and/or any evaluator to whom she is referred by RAMP for further treatment and monitoring, and shall adhere to the terms and conditions of the RAMP program.

2. By undergoing evaluation, Respondent expressly waives any claim of 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 proceedings.

3. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

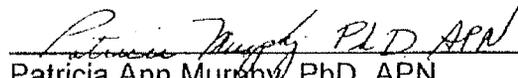
4. A two hundred and fifty dollar (\$250) civil penalty is hereby imposed for Respondent's failure to comply with N.J.A.C. 13:37-5.3. Payment shall be made by certified check or money order payable to "State of New Jersey," delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the date of filing

of this Final Order of Discipline. If Respondent has previously paid the \$250 civil penalty, she shall forward proof of said payment within 15 days. 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.

5. The Board reserves the right to take further action based upon the results of the comprehensive mental health and substance abuse evaluation.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Ann Murphy, PhD, APN  
Board President