

FILED

MAY 15 2014

N.J. BOARD OF NURSING

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

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
JAMES E. NOLIN, R.N.	:	ORDER OF SUSPENSION
License #26NR16294700	:	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. James E. Nolin ("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 May 16, 2013. The agreement required, in part, that Respondent enroll in the Board's designated intervention program, the Recovery and Monitoring Program of the Institute for Nursing ("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. On May 16, 2013, Respondent signed an agreement with RAMP for purposes of obtaining an evaluation with drug screening and monitoring. On August 13, 2013, Respondent signed a five year monitoring agreement with RAMP. (Exhibit C).

4. On August 15, 2013, acting upon the recommendation of RAMP, Respondent requested that his license be placed on inactive status. (Exhibit D).

5. Respondent was given a medical leave of absence from participation with RAMP on September 10, 2013 through October 13, 2013. Respondent was informed to resume daily check-ins on October 14, 2013. (Exhibit C).

6. Respondent failed to resume any participation with RAMP after October 13, 2013, missed over sixty daily check-ins with the online monitoring system during the three and half month period from June 27, 2013 to November 3, 2013, failed to undergo six urine screens during that same period, failed to remain in contact with RAMP, failed to respond to RAMP's efforts to contact him and redirect him towards compliance, and ceased participation with RAMP before successful completion of the program or being released from the program. (Exhibit C).

7. On or about April 8, 2014, a communication was sent to Respondent at his address of record by overnight and regular mail, advising Respondent that the Board had received information indicating that he was not in compliance with the private letter agreement and with his agreement with RAMP. Respondent was further advised to provide the Board with proof of any inaccuracy in that information within two weeks. (Exhibit E). The overnight mail was returned with a notation "RECEIVER MOVED, NOT DELIVERED." (Exhibit E). The regular mail was not returned. On or about April 23, 2014 Deputy Attorney General Lopez attempted to call Respondent at his phone number on record with the Board, but the phone number was disconnected. On April 23, 2014, Deputy Attorney General Lopez attempted to

contact Respondent at the email address on record with the Board. (Exhibit E). No reply has been received.

8. Board regulation at N.J.A.C. 13:37-5.7 requires licensees to update their address of record with the Board within 30 days of any change of address. Service to the address of record constitutes effective notice pursuant to N.J.A.C. 13:37-5.7 and 13:45-3.2.

9. 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 the 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).

10. Respondent's failure to undergo multiple urine screens and failure to participate in RAMP when he had not successfully completed the program or been released from the program each violates 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 his license as provided in the private letter agreement.

ACCORDINGLY, IT IS on this 15th day of May, 2014,
HEREBY ORDERED that:

1. Respondent's license to practice nursing in the State of New Jersey is hereby suspended for his 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 his New Jersey nursing license at any future time, the Board shall not entertain any application for reinstatement without a demonstration by Respondent that he 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 he is fit and competent to practice.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, PhD, APN
Patricia Murphy, PhD, APN
Board President