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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 LICENSE OF **SUSAN P. HEIDKE, L.P.N.** **License # 26NP05423900** 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. Susan P. Heidke ("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 May 22, 2013, the Board sent a letter of inquiry to respondent asking for information concerning an arrest on May 13, 2013 on charges of theft of controlled dangerous substance (CDS), possession of CDS and distribution of CDS. Respondent's attorney replied to this request, furnishing a copy of the criminal complaint and other information requested in the letter of inquiry. The complaint-summons alleged that respondent knowingly and purposely removed and possessed CDS prescription bottles from numerous patients at Trenton Psychiatric Hospital. Respondent worked as a nurse at that facility. Regarding continuing education, respondent had been asked for documentation of continuing education completed in the

last three years and provided a "transcript" which was illegible, unreadable, and had no indication of the educational institution at which these purported courses were completed.

3. On or about July 15, 2013, the Board was further notified by an Assistant Prosecutor from Burlington County that respondent was to be indicted, that she was a nurse at Trenton Psychiatric Hospital, and that a search of her room at her residence revealed prescription bottles not in her name, containing oxycodone; and $11,847.26 in cash.

4. On October 31, 2013 and again on November 20, 2013, an employee of the Division of Consumer Affairs telephoned the office of respondent's attorney seeking to obtain additional information as to the status of the arrest. No response was received.

5. On her renewal application in 2012, respondent indicated that she would have completed required continuing education for the June 1, 2010 – May 31, 2012 renewal period by May 31, 2012.

CONCLUSIONS OF LAW

Respondent's failure to provide the Board with an update as to the status of the May 13, 2013 arrest constitutes a failure to cooperate with a Board investigation within the intendment of N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

Respondent's failure to adequately document completion of required continuing education for the June 1, 2010 – May 31, 2012 renewal period is interpreted as a

violation of N.J.A.C. 13:37-5.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

The circumstances cited with respect to respondent's May 13, 2013 arrest are sufficient for the Board to require respondent pursuant to N.J.S.A. 45:1-22(e) and (f) to undergo evaluation and monitoring under the auspices of the Recovery and Monitoring Program of New Jersey (RAMP) to verify that respondent's is able to properly discharge the functions of a licensee, and that her continued practice does not jeopardize the safety and welfare of the public.

Respondent's indication on her 2012 renewal application that she would timely complete all required continuing education by May 31, 2012 constitutes misrepresentation in violation of N.J.S.A. 45:1-3(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, evaluation, reprimand, and a seven hundred and fifty dollar ($750) civil penalty was entered on February 28, 2014. Copies were served upon respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by 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.

Respondent belatedly responded to the Provisional Order of Discipline by providing a copy of a Consent Order whereby respondent was admitted to the Pre-Trial

Intervention (PTI) program in connection with her criminal case, which includes the conditions that respondent undergo a drug and alcohol evaluation, random urine monitoring, and resign from of her nursing employment at Trenton Psychiatric Hospital. Respondent maintained that evaluation by the Board's designated intervention program, the Recovery and Monitoring Program (RAMP) would be redundant and costly since she was undergoing evaluation as part of PTI. Respondent professed her innocence of the criminal charges with no further explanation. Likewise, respondent provided no further information or legible documentation regarding her continuing education.

The Board reviewed respondent's submissions and 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. Inasmuch as Respondent provided documentation of the status of the criminal case, the Board determined that suspension based upon her failure to cooperate was no longer warranted. As respondent was unable to provide an update of the criminal matter until it actually occurred on April 8, 2014 – which was after the filing of the Provisional Order of Discipline – the Board determined that the five hundred dollar civil penalty for failure to keep the Board apprised of the status of the criminal case was also unwarranted. However, the Board determined that Respondent's failure to demonstrate that she has completed thirty hours of continuing education every biennial period beginning from June 1, 2010 to the present does warrant suspension. Additionally, respondent's failure to demonstrate completion of required continuing education within the June 1, 2010 – May 31, 2012 biennial period warrants imposition of the two hundred and fifty dollar ($250) civil penalties and a reprimand for the

corresponding answer about continuing education on her renewal.

Lastly, respondent's drug related arrest -- which included allegations that respondent knowingly and purposely removed and possessed prescription bottles of CDS from numerous patients at her place of nursing employment -- raises sufficient concern to warrant a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program. The Board has a designated intervention program, RAMP, which is geared specifically towards nurses. Due to the nature of the nursing profession and a nurse's close proximity and constant handling of CDS, the Board requires a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program to evaluate whether continued practice as a nurse may jeopardize the safety and welfare of the public and to secure professional treatment as may be necessary to properly discharge the functions of a nurse. Substance abuse evaluations pursuant to PTI do not rise to that level and do not address whether the participant can practice nursing safely.

ACCORDINGLY, IT IS on this 17th **day of** July**, 2014, ORDERED that:**

1. Respondent's New Jersey nursing license is hereby suspended until she has provided adequate documentation of completion of required continuing education, including thirty hours for the June 1, 2010 – May 31, 2012 biennial period and thirty hours for the June 1, 2012 – May 31, 2014 biennial period. Continuing education completed after May 31, 2014 and applied to cure the deficiency of a previous period shall not be used to satisfy the requirements of the current biennial period.

2. Respondent may not seek reinstatement of her license until she has undergone a comprehensive mental health and substance abuse evaluation, including monitoring, under the auspices of the Recovery and Monitoring Program of New Jersey (RAMP), and until RAMP indicates that she is fit and competent to practice nursing.

3. A public reprimand is hereby imposed for respondent's misrepresentation on her renewal application in violation of N.J.S.A. 45:1-21(b).

4. A civil penalty of two hundred and fifty dollars ($250) is hereby imposed for respondent's violation of N.J.A.C. 13:37-5.3. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and sent to the attention of George Hebert, Executive Director, Board of Nursing, P.O. Box 45010, 124 Halsey Street, 6th Floor, Newark, NJ 07101 within twenty-one (21) days of the filing of a Final Order of Discipline in this matter. 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. Respondent shall refrain from practicing as a nurse and shall not represent herself as a 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 APN

Patricia Ann Murphy, PhD, APN
Board President