

FILED

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NJ. 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
	:	
JENNIFER A. GARCIA, RN	:	ORDER OF SUSPENSION
License #26NR11844100	:	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. Jennifer A. Garcia ("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 November 1, 2012. The agreement required,

in part, that Respondent enroll in and comply with the Board's designated intervention program, the Recovery and Monitoring Program ("RAMP"), to undergo evaluation, monitoring, and treatment, including random 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. Respondent underwent a screen on May 6, 2014 which yielded a positive result for alcohol, a potentially addictive substance. (Exhibit C).

4. On May 13, 2014, Respondent informed RAMP that she no longer desired to be a nurse or to be in RAMP. Respondent ceased participation with RAMP; Respondent did not successfully complete the program nor was she released from the program. (Exhibit C).

5. RAMP cannot assure the Board or the public that Respondent is safe to practice. (Exhibit C).

6. On or about June 25, 2014, a communication was sent to Respondent at her address of record by overnight and regular mail, advising Respondent that the Board had received information indicating that she was not in compliance with the

private letter agreement and with her agreement with RAMP. Respondent was further advised to provide the Board with proof of any inaccuracy in that information within two weeks. (Exhibit D).

7. Respondent replied and maintained that she could no longer afford to continue with RAMP, but that she wanted to seek help from another intervention program instead of RAMP. Respondent maintained that after she received the above mentioned letter, almost two months after leaving RAMP, she called another intervention program to schedule an initial appointment. Respondent has provided no further update. (Exhibit E).

8. 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).

9. Respondent violated the private letter agreement by: failing to refrain from the use of potentially addictive substances as evidenced by her positive screen; and failing to remain in RAMP until successful completion of the program or release from the program. Each violation of the private letter agreement 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 her license as provided in the private letter agreement.

ACCORDINGLY, IT IS on this 22nd day of Aug., 2014,
HEREBY ORDERED that:

1. Respondent's license to practice nursing in the State of New Jersey is hereby suspended for her 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 her New Jersey nursing license at any future time, the Board shall not entertain any application for reinstatement without a demonstration by Respondent that she is fit and competent to practice, in full compliance with the terms and conditions of the private letter agreement and with any agreement with RAMP, and that RAMP supports her reinstatement.

NEW JERSEY STATE BOARD OF NURSING

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