

FILED
OCT 24 2014
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
:
LISA VOLPE, RN : FINAL ORDER
License # 26NO07916700 :
:
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 which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Lisa Volpe ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey and has been a licensee at all relevant times.

2. The Board received information that Respondent was arrested on January 28, 2011 in Hackensack, New Jersey, and charged with violating N.J.S.A. 2C:35-10A(1) (Possession of Controlled Dangerous Substance). On or about February 1, 2011, the Board sent a letter of inquiry to Respondent seeking information about the arrest and her nursing employment.

3. Respondent provided a partial response.

4. On or about June 12, 2012, the Board sent Respondent a Demand for Written Statement Under Oath seeking further information regarding her criminal arrest history, her nursing employment, continuing education, use of controlled dangerous substances, and willingness to undergo evaluation and monitoring under the auspices of the Board's designated intervention program - The Recovery and Monitoring Program (RAMP).

5. Respondent provided a response which included the Bergen County Prosecutor's Office Case Investigation Report indicating that Respondent had been purchasing cocaine weekly for approximately one year.

6. Respondent further stated that she would be willing to undergo a comprehensive mental health and substance abuse evaluation under the auspices of RAMP to address the Board's concerns about her 2011 arrest for possession of cocaine. She also included a report of an evaluation that she had undergone, at the behest of her attorney in defense of the criminal action.¹ The report does not address whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public or whether treatment is necessary in order for Respondent

¹To maintain confidentiality, the report is not attached as an exhibit.

to properly discharge the functions of a licensee.

5. Respondent was given the opportunity to undergo evaluation pursuant to the Board's Alternate to Discipline program, but Respondent has failed to avail herself of that opportunity.

CONCLUSIONS OF LAW

Respondent's 2011 drug-related arrest, coupled with her Written Statement Under Oath and failure to undergo evaluation pursuant to the Alternate to Discipline program, warrants a public order for testing, monitoring, evaluation, and treatment, as a condition for continued 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) and whether treatment may be necessary to properly discharge the functions of a licensee pursuant to N.J.S.A. 45:1-22(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 7, 2014, provisionally ordering respondent to undergo a comprehensive mental health and substance abuse evaluation under the auspices of the Recovery and Monitoring Program of New Jersey (RAMP). A copy of the Order was served upon respondent by certified and regular mail at her address of record. 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.

Ms. Volpe responded to the Provisional Order, asking for consideration. She maintained that she would undergo evaluation at some point in the autumn of 2014. The Board considered this response, but understood that respondent had a history since 2012 of deferring any evaluation. As of the filing of this order, respondent has failed to undergo evaluation, despite her admission that she had agreed to participate in the RAMP program following her cocaine arrest, and despite the fact that the psychiatric evaluation she provided to the Board by Kathryn A. Dixon, which respondent cites in her response to the Provisional Order, diagnosed substance abuse, including cocaine and alcohol abuse, manifesting itself by clinically significant impairment or distress, and recommended outpatient treatment to address

relapse prevention. Accordingly, the Board determined that although respondent indicates she will undergo evaluation in the autumn of 2014, an order is necessary to ensure that she actually does undergo evaluation.

ACCORDINGLY, IT IS on this 24th day of October, 2014

ORDERED that:

1. Respondent shall undergo a comprehensive mental health and substance abuse evaluation, including monitoring, under the auspices of the Board's designated intervention program, the Recovery and Monitoring Program ("RAMP") and shall gain RAMP's support for continued active licensure. Respondent shall enroll in RAMP, for purposes of obtaining a comprehensive mental health and substance abuse evaluation, within thirty days of filing of this Order.

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. The Board reserves the right to take action based upon

the results of the comprehensive mental health and substance abuse evaluation, or upon any new information received.

NEW JERSEY STATE BOARD OF NURSING

Patricia Murphy PhD APN

By: _____
Patricia Murphy, PhD, APN
Board President