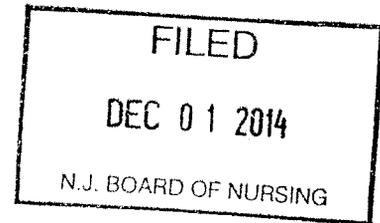


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

Administrative Action

KELLY LUCIANO, R.N.
LICENSE #NO 10230600

ORDER OF REINSTATEMENT
OF LICENSE

TO PRACTICE AS A
REGISTERED PROFESSIONAL NURSE
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of respondent's petition for reinstatement of her nursing license, which had been suspended by means of a Final Order of Discipline entered on July 15, 2014. The basis for the order was respondent's violation of N.J.A.C. 13:45C-1.2 and 1.3, in that she failed to appear in response to a subpoena requiring that she appear before the Board and give testimony concerning a February 27, 2014 arrest on theft-related charges.

Respondent subsequently appeared before the Board on October 19, 2014 and responded to questions concerning her arrest history, which included a previous arrest for shoplifting in 2010, resulting in a conviction of a local ordinance violation, creating a disturbance.

Respondent testified acknowledging her conduct, including the 2014 charges which involved surreptitiously taking money from a co-worker. Respondent has provided documentation indicating her admission into the Pretrial Intervention Program with respect to these charges. Respondent has enrolled in the Recovery and Monitoring Program of New Jersey (RAMP), and has indicated that participation in a peer support group under the auspices of RAMP has been helpful to her. Respondent attributes the conduct that led to her arrests to financial pressures because of her husband's unemployment and his substance abuse, and expresses great remorse at her actions, which led to her termination from Capital Health Medical Center, where she had been employed for 22 years.

The Board finds that the conduct that led to respondent's arrests constituted a violation of N.J.S.A. 45:1-21(f), and related adversely to the practice of nursing. However, the Board finds that reinstatement of respondent's nursing license upon condition that she continue RAMP participation is sufficiently

protective of the public health, safety and welfare. Thus, in lieu of further proceedings, and for other good cause shown;

IT IS, ON THIS *1st* DAY OF *December*, 2014

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby reprimanded for the violation of N.J.S.A. 45:1-21(f).
2. Respondent's petition for reinstatement of her license to practice nursing in New Jersey is granted upon review and approval of any required documents along with any requisite fees, information, and required continuing education, if not already provided.
3. Respondent shall refrain from the use of any and all potentially addictive substances, including alcohol, except as prescribed by an authorized health care practitioner who is made aware of respondent's substance abuse history, if applicable. Respondent shall report any such use to RAMP in writing within five days of receiving such a prescription together with the name of the prescribing health care practitioner, the name of the drug, the quantity, frequency, expected length of use and reason for its use.
4. Respondent shall remain enrolled in, and remain compliant with, all of the terms and conditions of participation in the RAMP program. Respondent shall cause RAMP to inform the Board in writing if respondent is non-compliant with, or is terminated

from or resigns from further participation in the program together with the reason for and complete documentation of the non-compliance, termination and/or resignation. Notification of the Board shall be within 24 hours of determination of non-compliance, termination or resignation, or as soon thereafter as is practicable. Respondent shall provide RAMP's Director with a complete copy of the within Order.

5. Respondent shall provide a release to RAMP allowing RAMP to provide pertinent reports, records and other information pertaining to respondent to the Board. Respondent's signature on this order signifies respondent's waiver of any right to confidentiality with respect to these matters, and respondent's agreement that the Board may utilize any such reports, records and other information it receives from RAMP in any proceeding regarding respondent's licensure and that the Board may release any pertinent information in its possession to RAMP.

6. Respondent shall attend regular 12 step support group meetings or the equivalent, and nurse peer support group meetings, if required by RAMP. She shall attend individual counseling and psychiatric treatment until successful discharge, if required by RAMP. Respondent shall submit to random observed urine testing and/or hair, blood and nail testing if required by RAMP. Respondent's failure to submit to or provide a urine,

hair, nail or blood sample when requested shall be deemed to be a violation of the terms of this Order.

7. Respondent shall work only in setting approved by RAMP, and shall have access to or responsibility for administering, dispensing or ordering potentially addictive substances in the course of her employment, only if approved by RAMP. She shall not work more than 12 hours (excluding any additional time needed to meet documentation requirements) within any 24 hour period nor more than 40 hours per week (excluding any additional time needed to meet documentation requirements) within any 24 hour period nor more than 40 hours per week (excluding any additional time needed to meet documentation requirements), unless approved by RAMP.

8. Respondent shall timely provide to RAMP any and all reports required pursuant to her RAMP contract, including reports from her employer or self-assessment reports.

9. Respondent shall notify RAMP within 10 days of any change of address, or any termination, resignation or leave of absence from any place of nursing employment.

10. Respondent shall immediately inform each employer representative and nursing supervisor of the terms of this Order and provide them with a copy of the Order. Respondent shall ensure that each employer representative and nursing supervisor provides written notification on facility letterhead to RAMP

acknowledging receipt of a copy of the within Order and its terms.

11. Respondent shall remain in RAMP until successful completion of the program. Upon successful completion of RAMP, respondent shall notify the Board in writing. Upon receipt of written notification from the Board, respondent may then be released from the requirements of this Order by written notification, without further order of the Board. Unless respondent has successfully completed RAMP, and received written notification from the Board that she is released from the requirements of this Order, respondent may not modify the conditions of this Order without submitting a written petition to the Board providing a detailed explanation of the basis for the modification request, and must then enter into a new, modified agreement with the Board in the event the Board grants respondent's petition for modification.

12. Engaging in deceptive practices that are material to the functioning of the program, such as deception relating to screenings such as altering urine samples, working as a nurse while not authorized by RAMP to do so, and working as a nurse without disclosing that employment to RAMP, shall be considered a violation of this order.

13. Any deviation from the terms of this Order without the prior written consent of the Board shall constitute a failure to

comply with the terms of this Order. Upon receipt of any reliable information indicating that respondent has violated any term of this Order, respondent's license may be automatically suspended by the Board. Respondent, upon notice, may request a hearing to contest the entry of such an order. At any such hearing the sole issue shall be whether any of the information received regarding respondent was materially false. In addition, the Board reserves the right to bring further disciplinary action.

14. Respondent shall notify the Board within five days of any arrest, and shall surrender her license voluntarily in the event she is requested to do so by the Board, which surrender shall persist until the arrest has been adjudicated, and until further order of the Board. The Board reserves the right, in the event of any subsequent conviction, to take disciplinary action if it considers such action warranted.

NEW JERSEY STATE BOARD OF NURSING

Patricia Murphy PhD APN

By:

Patricia Ann Murphy, PhD, APN, C

I have read and understand
The within Consent Order and
Agree to be bound by its terms.

Kelly Luciano

Kelly Luciano