

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Nursing

By: Susan Carboni
Deputy Attorney General
(973) 648-2894

PROVISIONAL
ORDER OF DISCIPLINE
FILED
APR 06 2015
N.J. BOARD OF NURSING

FINAL
ORDER OF DISCIPLINE
FILED
JUN 01 2015
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 : Administrative Action
: :
: PROVISIONAL ORDER
: OF DISCIPLINE
: :
LYNNE KAZNICA, R.N. :
License # 26NR 14875000 :
: FINAL ORDER
: OF DISCIPLINE
: (Finalized by default
TO PRACTICE NURSING IN THE : on June 1, 2015)
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. Respondent is a registered professional nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On February 4, 2015, a letter of inquiry was sent to respondent on behalf of the Board, asking about her termination from Virtua Hospital in Berlin, New Jersey, following allegations that she withdrew multiple doses of narcotics without a physician order, and did not follow narcotic waste procedures. (Exhibit A)

3. It was alleged that respondent had withdrawn thirty-four (34) doses of Dilaudid during the night shift of November 5, 2014, without a physician order. (Exhibit B)

4. Respondent was also asked in the letter of inquiry to provide documentation of required nursing continuing education completed from June 1, 2012 through May 31, 2014. (Exhibit A)

5. The letter of inquiry was sent to respondent's address of record by certified and regular mail. Notice of the certified mailing was left on January 12, 2015. (Exhibit A) The regular mailing of the letter of inquiry was not returned. No response has been received to date.

6. Respondent indicated on her 2014 renewal application that she would have completed all required nursing continuing education for the 2012-2014 licensing cycle by May 31, 2014. (Exhibit C)

C)

CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board's inquiry constitutes a failure to cooperate 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) and (h).

2. Respondent's failure to provide documentation of required continuing education is deemed to constitute a failure to timely complete required continuing education in 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).

3. Respondent's indication on her 2014 renewal application that she would have completed all required nursing continuing education by May 31, 2014 is deemed to constitute misrepresentation in violation of N.J.S.A. 45:1-21(b).

4. The allegations on the part of the Nurse Director of Virtua-Berlin that respondent made multiple withdrawals of Dilaudid without a physician order warrant requiring respondent to undergo evaluation and monitoring to demonstrate, pursuant to N.J.S.A. 45:1-22(f), that her continued practice does not present a risk of harm to the public.

ACCORDINGLY, IT IS on this 6th day of April, 2015,
ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in
this matter:

1. Respondent's New Jersey nursing license is hereby suspended until she has fully responded to the Board's inquiry, and demonstrated completion of required nursing continuing education in satisfaction of the obligation for the 2012-2014 licensing cycle; and until she has enrolled in the Recovery and Monitoring Program of New Jersey (RAMP) and undergone evaluation and monitoring, demonstrating that she is fit and competent to practice nursing.

2. A public reprimand is hereby imposed for the violation of N.J.S.A. 45:1-21(b).

3. A civil penalty in the amount of \$500 is hereby imposed for the violation of N.J.A.C. 13:45C-1.2, -1.3, as well as a civil penalty in the amount of \$250 for the violation of N.J.A.C. 13:37-5.3, for a total penalty amount of \$750. 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 fulfilled her continuing education obligation pursuant to N.J.A 13:37-5.3, for a total penalty amount of \$750. 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, Sixth Floor, Newark, NJ 07101. Payment shall be due within twenty-one (21) days of the filing of any Final Order of Discipline in this matter.

4. Upon finalization of this order, respondent shall refrain from practicing as a nurse and shall not represent herself as a Registered Professional 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.

5. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, State Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

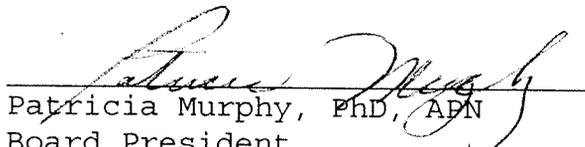
6. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

7. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

8. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, APN
Board President