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N.J. BOARD OF NURSING

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

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IN THE MATTER OF THE  
LICENSE OF

Administrative Action

MICHAEL SIHOMBING, L.P.N.  
LICENSE #NP 06080600

CONSENT ORDER OF  
REINSTATEMENT OF LICENSE

TO PRACTICE AS A  
LICENSED PRACTICAL NURSE  
IN THE STATE OF NEW JERSEY

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This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of respondent's petition for reinstatement of his nursing license. Respondent's nursing

license had been suspended for a period of two years pursuant to a Final Order of Discipline entered on October 25, 2010.

Respondent had been arrested and charged with endangering an injured victim in violation of N.J.S. 2C:12-1.2(a), and related charges, including neglect of a disabled adult in violation of N.J.S. 2C:24-8. On April 19, 2010, respondent was admitted into the Pre-Trial Intervention program (PTI), conditioned upon respondent's forfeiting of his nursing license for a two year period of PTI supervision. Respondent's nursing license was not to be reissued until successful completion of PTI, and until a psychological evaluation of respondent indicated that he was fit to resume nursing practice.

The conduct underlying the charges originally filed against respondent consisted of observed rough handling in his treatment of a home care patient, a man who had been injured in a work accident in 1994. The patient was suffering from anoxic encephalopathy. Respondent described his own conduct as a "lapse in self control." Respondent has acknowledged his faulty conduct and indicates that he had been under pressure, due to personal and professional issues and states that he has since made changes in his life and lifestyle which have led to greater stability in his life, affecting his attitude, and causing him to conduct himself with greater self awareness. He further stated that he chose to apply for reinstatement, not after two

years of the required forfeiture of his license had elapsed, but only after he felt ready to meet the challenges of a nursing career.

Respondent has undergone evaluations by at least two mental health professionals. Suzanne Drake, PhD, APN, indicated that there was "no evidence of thought disorder or any psychiatric or neurological disorder that would be a risk factor for endangering a patient in the future." Guillermo Parra, PhD, respondent's treating psychologist, recommended that respondent be permitted to resume practice, with his employment initially confined to settings such as hospitals and clinics, where he would be interacting with colleagues, including supervisors. Respondent also enrolled in the Recovery and Monitoring Program of New Jersey (RAMP), which supports respondent's reinstatement based upon his compliance with the program.

The Board finding that reinstatement of respondent's nursing license to practice nursing is appropriate at this time, in light of his treatment, greater self-knowledge and the recommendations of mental health professionals and RAMP, and finding that the within Order is sufficiently protective of the public health, safety and welfare, in lieu of further proceedings, and for other good cause shown;

IT IS, ON THIS 30<sup>th</sup> DAY OF December, 2015

HEREBY ORDERED AND AGREED THAT:

1. Respondent's petition for reinstatement of his license to practice nursing in New Jersey is granted upon review and approval of a completed application for reinstatement along with the requisite fees, information, and required continuing education, and the Criminal History Background Check, if not already provided.

2. 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.

3. 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.

4. 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.

5. 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.

6. Respondent may not accept employment providing home care to patients, and shall work only in supervised settings (where the supervisor is on the same unit and shift as

respondent), which does not include assisted living facilities. Respondent shall work only in settings approved by RAMP, and shall have access to or responsibility for administering, dispensing or ordering potentially addictive substances in the course of his employment, only if approved by RAMP. He 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.

7 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.

8. 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.

9. 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.

10. 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 he 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 requested, and must then enter into a new, modified agreement with the Board in the event the Board grants respondent's petition for modification.

11. Engaging in deceptive practices that are material to the functioning of the RAMP program, including 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.

12. 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.

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.

*Michael Sihombing LPN*

Michael Sihombing, L.P.N.