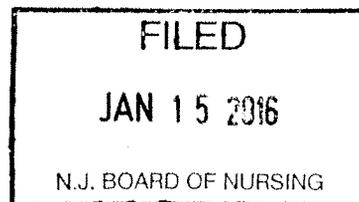


JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law, 5th Floor
124 Halsey Street
Newark, NJ 07101



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

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

MICHELE NEARY-PENDERGAST, R.N.
LICENSE # 26NR11227400

CONSENT ORDER FOR
REINSTATEMENT OF
LICENSE

TO PRACTICE AS A
REGISTERED 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. Respondent's nursing license was suspended pursuant to a Final Order of Discipline entered on October 6, 2014. The suspension was based upon a

finding that respondent's recent drug-related arrest on January 3, 2014, while respondent was participating in the Professional Assistance Program of New Jersey (PAP) suggested that respondent's level of monitoring, testing, treatment and evaluation were insufficient to ensure that respondent was able to properly discharge the functions of a nurse in a manner consistent with the safety and welfare of the public within the intendment of N.J.S.A. 45:1-22(f). Respondent had claimed that at the time of the arrest she was asleep in her car after working the night shift, while her husband, without her knowledge, was making a drug deal (heroin). Respondent was ultimately admitted into the Pre-Trial Intervention Program in connection with that arrest.

The 2014 Final Order of Discipline imposed a \$500 civil penalty for failure to fully respond to a Board inquiry in violation of N.J.A.C. 13:45C-1.2, -1.3, and conditioned respondent's reinstatement upon her demonstrating that she was fit and competent to practice nursing. The \$500 civil penalty has been paid.

Respondent petitioned for reinstatement and on December 12, 2014 she underwent evaluation by John J. Blum, LCADC, LPC, who opined that in light of previous substance abuse and significant changes in her life, respondent should focus on her ongoing recovery skills, undergo outpatient counseling on a weekly basis

for a minimum of six months, and subsequently undergo fitness-for-duty evaluation. Mr. Blum met with respondent again on August 27, 2015 to ascertain her fitness for duty. A report issued indicating that respondent reported ongoing abstinence since August of 2009. Mr. Blum opined that based upon respondent's compliance with previous recommendations and her ongoing abstinence and significant sober support network involvement (including PAP), respondent's practice poses no risk to patients at this time, and that her nursing license should be reinstated without restrictions. PAP, in a submission dated June 9, 2015, also reported that respondent has demonstrated more than five years of sustained, documented recovery.

The Board finding that the within order is sufficiently protective of the public health, safety and welfare, and for other good cause shown;

IT IS ON THIS 15th DAY OF January, 2016

HEREBY ORDERED AND AGREED THAT:

1. Ms. Pendergast's petition for reinstatement is hereby granted upon review and approval of her application form, payment of any requisite fees, and upon her undergoing the requisite Criminal History Background Check, if not already submitted and completed.

2. Ms. Pendergast shall refrain from the use of any and all potentially addictive substances except as prescribed by an authorized health care practitioner who is made aware of Ms. Pendergast's substance abuse history, if any. Ms. Pendergast shall report any such use to the PAP 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. Ms. Pendergast shall remain enrolled in, and comply with all of the terms and conditions of, participation in the PAP until she has been released by PAP. Ms. Pendergast shall cause PAP to inform the Board in writing if she 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. Ms. Pendergast shall provide PAP's Executive Medical Director with a complete copy of the within Order.

4. Respondent shall continue with outpatient alcohol/drug counseling with a certified/licensed counselor at a minimum of once a month, for a minimum of a twelve month period with

ongoing length of treatment to be determined by the counselor after beginning formal employment.

5. PAP shall provide reports on a quarterly basis to the Recovery and Monitoring Program of New Jersey (RAMP), which reports shall be sent to the attention of Jillian Scott, Director, Recovery and Monitoring Program, 1479 Pennington Road, Trenton, NJ 08618. These reports shall indicate Ms. Pendergast's degree of compliance with the monitoring plan.

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

7. Ms. Pendergast shall attend regular 12 step support group meetings or the equivalent, if so required by PAP. She shall attend individual counseling and psychiatric treatment until successful discharge, if required by PAP. She shall not engage in the practice of nursing if so advised by PAP, and

shall confine her employment and employment schedule to settings and schedules approved by PAP.

8. Ms. Pendergast shall submit to random observed urine testing or hair testing as required by PAP. Ms. Pendergast's failure to submit to testing or provide a urine or hair sample when requested shall be deemed to be a violation of the terms of this Order. All random alcohol and drug screens shall be negative for the presence of alcohol or drugs, unless the drugs detected by screening were properly taken pursuant to a valid prescription from a health care practitioner aware of Ms. Pendergast's substance abuse history, if any.

9. Ms. Pendergast shall notify the Board and PAP within 10 days of any change of address, or any termination, resignation or leave of absence from any place of nursing employment.

10. Ms. Penderast shall immediately inform each employer representative and nursing supervisor of the terms of this Order and provide them with a copy of the Order. Ms. Pendergast shall ensure that each employer representative and nursing supervisor provides written notification on facility letterhead to PAP, acknowledging receipt of a copy of the within Order and its terms.

11. Ms. Pendergast may apply for removal of the restrictions imposed by the within Order upon successful

completion of PAP. The Board reserves the right to require Ms. Pendergast to appear before the Board and demonstrate her fitness to practice without further monitoring at such time.

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 Ms. Pendergast has violated any term of this Order, her license may be automatically suspended by the Board. Ms. Pendergast, 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 Ms. Pendergast was materially false. In addition, the Board reserves the right to bring further disciplinary action.

NEW JERSEY STATE BOARD OF NURSING

By:

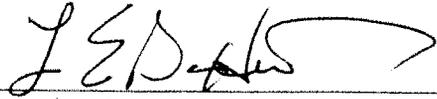
Patricia Murphy PLD APN

Patricia Ann Murphy, PhD, APN, C
Board President

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

Michele Neary Pendergast
Michele Neary-Pendergast

I have read the above order
and agree on behalf of PAP
to comply with its terms.



Louis E. Baxter, M.D., FASAM
Executive Medical Director
Professional Assistance Program