

PROVISIONAL
ORDER OF DISCIPLINE
FILED
JAN 12 2016
N.J. BOARD OF NURSING

FINAL
ORDER OF DISCIPLINE
FILED
MAY 17 2016
N.J. BOARD OF NURSING

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: Barbara J.K. Lopez
Deputy Attorney General
(973) 648-7454

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
	:	
	:	<input checked="" type="checkbox"/> PROVISIONAL ORDER
	:	OF DISCIPLINE
Vivian Seaman, RN	:	
License # 26NO11857800	:	<input checked="" type="checkbox"/> FINAL ORDER
	:	OF DISCIPLINE
	:	(Finalized by default
TO PRACTICE NURSING IN THE	:	on <u>May 17, 2016</u>)
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. Vivian Seaman ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. Respondent enrolled in and participated with the Board's designated intervention program, the Recovery and Monitoring Program ("RAMP"). On June 18, 2014, Respondent requested that the Board of Nursing place her license on inactive status until RAMP supported her return to practice. (Exhibit B).

3. Respondent was arrested on September 3, 2014 by members of the New Jersey State Police Department and charged with violating N.J.S.A. 2C:35-10(a)(1) (Possession of Controlled Dangerous Substance), N.J.S.A. 2C:36-2 (Possession of Drug Paraphernalia), and N.J.S.A. 2C:36-6 (Possess/Distribute Hypodermic Needle). (Exhibit C).

4. On January 23, 2015, RAMP notified the Board that Respondent had dropped out of the program. (Exhibit D).

5. On April 24, 2015, Respondent was found guilty in Middlesex County Superior Court of violating N.J.S.A. 2C:35-10C (Failed to Give Controlled Dangerous Substance to Police). On August 21, 2015, Respondent was sentenced to 2 days jail time credit, 1 year probation, and assessed \$675 in fines, fees, and

CONCLUSIONS OF LAW

Based upon Respondent's drug-related arrest and conviction, the Board finds that Respondent has been convicted of, or engaged in acts constituting, a crime or offense relating adversely to the practice of nursing within the intendment of N.J.S.A. 45:1-21(f). Additionally, based upon Respondent's cessation of participation with RAMP, the Board finds Respondent is incapable of discharging the functions of nurse in a manner consistent with the public's health, safety and welfare pursuant to N.J.S.A. 45:1-21(i). Lastly, the Board finds testing, monitoring, and evaluation warranted, as a condition of reinstated licensure, to evaluate whether Respondent's continued practice in nursing may jeopardize the safety and welfare of the public within the intendment of N.J.S.A. 45:1-22(f). Similarly, the Board finds medical or other professional treatment warranted, as a condition of reinstated licensure, before Respondent can properly discharge nursing functions within the intendment of N.J.S.A. 45:1-22(e).

ACCORDINGLY, IT IS on this 12th day of January, 2016,
ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in
this matter:

1. Respondent's license to practice nursing is suspended until such time as Respondent demonstrates that she is fit and

competent to practice nursing, is in compliance with her agreement with RAMP, and has gained RAMP's support for reinstatement and return to active practice.

2. Prior to any reinstatement, Respondent shall undergo a comprehensive mental health and substance abuse evaluation under the auspices of RAMP and shall gain RAMP's support for reinstatement.

3. By undergoing evaluation, Respondent expressly waives any claim to 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 licensing proceedings.

4. All costs associated with the evaluation and/or monitoring outlined above shall be the responsibility of, and paid directly by, Respondent.

5. 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.

6. 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.

7. 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.

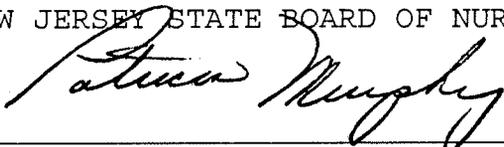
8. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law

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.

9. 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