

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

IN THE MATTER OF THE APPLICATION : Administrative Action
FOR LICENSURE OF :
 :
 : **FINAL ORDER**
 : **OF DENIAL OF**
 JULIANE MacINTYRE : **LICENSURE**
 :
 :
 TO PRACTICE AS A LICENSED :
 PRACTICAL NURSE IN THE :
 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. Juliane MacIntyre applied to the Board for licensure as a licensed practical nurse with an application dated August 6, 2014.

2. The application indicated that Ms. MacIntyre had been arrested for and convicted of a crime or offense, and Ms. MacIntyre admitted that she had been convicted of driving under the influence of alcohol in 2010 and 2013. Ms. MacIntyre also

provided discharge instructions from Maryville Addiction Treatment Centers dated May 8, 2014.

3. Ms. MacIntyre was asked by the Board of Nursing to undergo a comprehensive mental health and substance abuse evaluation under the auspices of the Recovery and Monitoring Program of New Jersey (RAMP) prior to the Board's making a determination as to the granting of her application for licensure.

4. On or about January 24, 2015, Ms. MacIntyre signed a private letter agreement for enrollment in RAMP.

5. A communication from RAMP dated April 15, 2015, advised the Board that Ms. MacIntyre had been evaluated by a mental health professional who recommended that in light of Ms. MacIntyre's continued use of alcoholic beverages and lack of ongoing treatment, Ms. MacIntyre should complete a recovery program and consistently practice abstinence for a period of time prior to being granted licensure.

6. RAMP indicated that Ms. MacIntyre subsequently advised RAMP that she had decided not to continue participation in RAMP because of a recent diagnosis of a genetic disorder. Ms. MacIntyre ceased participation in RAMP as of March 25, 2015, and was discharged from RAMP as of March 27, 2015 because of non-participation.

7. The private letter agreement that Ms. MacIntyre signed required her to participate in RAMP until successful completion. The agreement further provided that the private letter agreement was to have the force and effect of a Board order within the intentment of N.J.A.C. 13:45C-1.4.

CONCLUSIONS OF LAW

Ms. MacIntyre's failure to comply with the terms of the private letter agreement is deemed to constitute a violation of N.J.A.C. 13:45C-1.4, subjecting her to sanctions pursuant to N.J.S.A. 45:1-21(e), including the denial of her application for licensure.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Denial was entered on July 20, 2015. Copies were served upon Ms. MacIntyre via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Ms. MacIntyre requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Ms. MacIntyre's request for consideration and reasons therefor.

Ms. MacIntyre responded to the Provisional Order by

reiterating her medical issues and explaining why she chose to forego participation with RAMP and instead devote her attention -- physical, emotional, and financial -- to other issues, including starting her own non-profit organization to raise awareness and raise research funding for her medical issues. Although Ms. MacIntyre's medical issues are unfortunate, they do not negate her DWI convictions, treatment at an addiction center, and RAMP's recommendation that she undergo monitoring for five years. Public safety requires assurance that she is fit and competent to practice. By leaving RAMP and violating the private letter agreement, Ms. MacIntyre has failed to demonstrate, to the satisfaction of the Board, that she is fit, competent, and safe to practice nursing.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary. The Board was not persuaded that the submitted materials merited further consideration.

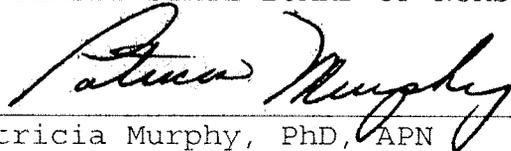
ACCORDINGLY, IT IS on this 2nd day of June, 2016,

PROVISIONALLY ORDERED:

1. Ms. MacIntyre's application for licensure is hereby denied.
2. The Board will not entertain another application from Ms. MacIntyre until she has resumed participation with RAMP, gains

RAMP's support for licensure, and demonstrates, to the satisfaction of the Board, that she is fit and competent to practice nursing.

NEW JERSEY STATE BOARD OF NURSING

By: 
Patricia Murphy, PhD, APN
Board President