

PROVISIONAL
ORDER OF DISCIPLINE
FILED

N.J. BOARD OF NURSING

FINAL
ORDER OF DISCIPLINE
FILED
JUN 20 2016

N.J. BOARD OF NURSING

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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
DEIRDRE M. FRASIER, R.N. :
License # 26NR12305200 : FINAL ORDER
: OF DISCIPLINE
: (Finalized by default
TO PRACTICE NURSING IN THE : on June 20, 2016)
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. Deirdre M. Frasier ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey and has been a licensee at all relevant times. (Exhibit A).

2. In August 2009, Respondent began participation with the Board's designated intervention program, the Recovery and Monitoring Program (RAMP) and signed a monitoring agreement whereby she agreed to refrain from practicing as a nurse until RAMP allowed her to do so. (Exhibit B).

3. In December 2009, RAMP approved Respondent's return to work as a nurse. In 2010, 2011, and 2012, Respondent had periods of compliance with RAMP, noncompliance with RAMP, employment as a nurse, and unemployment as a nurse. In January 2013, Respondent advised RAMP that she had a nursing job interview at the Atlantic County Jail. RAMP advised Respondent that she was not approved for work at that time due to continued noncompliance with the program by missing multiple daily check-ins with the online monitoring system which randomly schedules drug screens and failing to show up for multiple drug screens. (Exhibit C).

4. In April 2013, RAMP approved Respondent to return to work as a nurse and Respondent advised RAMP that she had an interview at the Atlantic County Jail, but did not notify RAMP

of the outcome or that she accepted any position. In September 2013, Respondent reported to RAMP that she was employed "cleaning houses." In December 2013, RAMP advised Respondent that she was not approved to work as a nurse due to noncompliance with program requirements and that she would need to be compliant for 90 days before any request to return to work would be considered. After receiving information that Respondent had been working as a nurse at the Atlantic County Jail and in the home care setting when she was not approved to do so, in July 2014, RAMP contacted the Atlantic County Jail and confirmed that Respondent had been employed there as a nurse since January 2013. (Exhibit C).

5. After RAMP confronted Respondent about working as a nurse from January 2013 - July 2014 without approval, Respondent ceased communicating and participating with RAMP. (Exhibit C).

6. Respondent was non-compliant with her agreement with RAMP in that she had missed multiple daily check-ins and failed to undergo multiple random urine screens. (Exhibit D).

7. Respondent failed to successfully complete RAMP and was discharged from RAMP on July 18, 2014 due to noncompliance with the program. (Exhibit C).

CONCLUSIONS OF LAW

Respondent engaged in the use or employment of deception and dishonesty within the intendment of N.J.S.A. 45:1-21(b) by working as a nurse when she did not have RAMP's approval to do so.

Respondent violated her agreement with RAMP by missing daily check-ins and random urine screens, and by working as a nurse when she was not approved by RAMP to do so. Respondent's noncompliance with RAMP warrants testing, monitoring, and evaluation, as a condition of reinstated or continued 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 or continued 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 15th day of December, 2015, 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 and is in compliance with RAMP.

2. Prior to any reinstatement, Respondent shall resume participation with RAMP, including monitoring and any recommended treatment, and shall gain RAMP's support for reinstatement.

3. 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 monitoring and/or treatment 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 Leslie Burgos, Board Staff, 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.

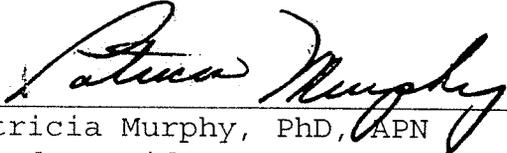
8. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law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