

FINAL
ORDER OF DISCIPLINE
FILED
AUG 01 2016
N.J. BOARD OF NURSING

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
:
:
: **FINAL ORDER OF**
: **DISCIPLINE**
:
VICKI LYNN LOWTHER, L.P.N. :
License # 26NE01165800 :
:
:
TO PRACTICE NURSING 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. Vicki Lynn Lowther ("Respondent") is a Licensed Practical Nurse ("L.P.N.") in the State of New Jersey, and has been a licensee of the Board at all times relevant hereto. Her license has been in inactive status since November 23, 2015.

2. Respondent was employed as an L.P.N. from approximately April of 2010 through July of 2014. She stated that in November of 2013, she was approached by A.S., R.N., A.P.N., and asked if she wanted to obtain diet pills. Respondent stated that she did want diet pills for her own use.

3. Respondent further stated that A.S. called in a prescription for diet pills, and gave her a prescription form for a thirty day supply of phentermine. A.S. stated that she wanted to "split" the prescription with respondent, and would pay for half of the prescription.

4. Respondent claimed that subsequent to that first time, A.S. was "constantly" calling her and texting her to get more prescriptions filled. Respondent complied, and had subsequent prescriptions filled at different pharmacies "to keep the supply steady."

5. Each prescription cost approximately \$30.00, and A.S. would pay her half that sum.

6. The last time respondent had contact with A.S. was in September of 2014, when A.S. called her, but she did not agree to continue the practice of ordering diet pills and "splitting" the order with A.S.

DISCUSSION

Based on the findings of fact above and the conclusions of law below, a Provisional Order of discipline seeking a one year suspension (six months active, six months stayed/served as probation) and a one thousand dollar (\$1,000.00) civil penalty was entered on February 10, 2016. A copy was served on Respondent via regular and certified mail to her last known address of record. The Provisional Order was subject to finalization by the Board at

5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of law by submitting a written request for modification or dismissal 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 Respondent's request for consideration and reasons therefore.

Respondent requested modification, stating that she had been participating in RAMP since November 2015, and that she will continue participating in RAMP for the next five years. Respondent reported being compliant with her RAMP responsibilities. Respondent also reported placing her license on inactive status in November 2015, and requested her inactive period be considered as time served for the proposed active suspension of her license.

Respondent's submissions were reviewed by the Board and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration as Respondent did not dispute the Findings of Fact or Conclusions of Law.

CONCLUSIONS OF LAW

Respondent's collusion with A.S. in ordering diet pills, "splitting" the order with A.S., and agreeing to use prescriptions

in Respondent's name, constitutes unethical and dishonest conduct which relates adversely to the practice of nursing, and constitutes a violation of N.J.S.A. 45:1-21(b)

ACCORDINGLY, IT IS on this 1st day of August, 2016,
ORDERED that:

1. Respondent's nursing license is hereby suspended for a period of one year. Six months of the suspension is to be actively served, with the remaining six months to be served as a period of probation. The active suspension is to run from the filing of this Final Order of Discipline.

2. Respondent shall, within five (5) days of her receipt of this Order, mail her license to practice nursing in this State, including the wall and wallet versions, to Leslie Burgos-Bonilla, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101.

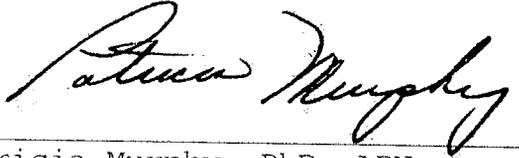
3. Respondent shall immediately cease and desist from holding herself out as a Licensed Practical Nurse and/or practicing as a nurse in this State. Any practice in this State shall constitute grounds for a charge of unlicensed practice.

4. A civil penalty in the amount of \$1,000.00 is hereby imposed. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and shall be sent to the attention of Leslie Burgos-Bonilla, Board of Nursing, P.O. Box 45010, 124 Halsey Street, 6th Floor, Newark, NJ 07101 within twenty-one days of the filing of any Final Order of Discipline in

this matter. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this Order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By: _____


Patricia Murphy, PhD, APN
Board President