

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

IN THE MATTER OF THE LICENSE OF : Administrative Action
: :
LISA GEBHARDT, R.N. : FINAL ORDER
License # 26NR11324600 : OF DISCIPLINE
: :
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. Lisa Gebhardt ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Respondent was employed as an RN by Inspira Health Network ("Inspira") and assigned to the Labor and Delivery Unit ("unit").

3. Respondent admits that on March 24, 2014, she used her hospital identification badge to gain access to the unit while

she was not on duty and was present at an unauthorized circumcision of an infant who was not a registered patient. Respondent further admits that the mother of the infant was her friend and she was acting as a support person.

4. In violation of Inspira's policies, the circumcision procedure was performed to an unregistered patient without obtaining a signed consent form. There was no time out or post-operative inspection performed and no medical chart was generated.

5. Effective on October 22, 2014, Respondent was terminated from her RN position by Inspira.

CONCLUSIONS OF LAW

Respondent's presence and attendance at the unauthorized circumcision of an infant and failure to register the infant as a patient and document according to the protocol constitutes professional misconduct in violation of N.J.S.A. 45:1-21(e), and acts of dishonesty and the employment of deceptive practices in violation of N.J.S.A. 45:1-21(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on May 31, 2016 seeking a two year suspension (one year active, one year stayed to be served as probation), reprimand, and completion of an ethics course. Copies were served upon Respondent 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 Respondent 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 Respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline with three separate submissions. Respondent worked on the Labor and Delivery unit and had a pregnant friend who is a nurse and who had formerly worked with Respondent on the same unit. The friend planned on having her baby at home, but wanted the baby circumcised at the hospital. Early in her friend's pregnancy, Respondent arranged with a doctor of the hospital to perform the circumcision on her friend's baby. Respondent, the friend, and the doctor had all formerly worked together on the unit.

After the friend gave birth, Respondent was at home, off-duty, when she received a call on the night of March 25, 2014 from someone at the hospital who told her that it was a "good time to do the circumcision." Respondent caused her friend to arrive at the hospital with the baby at approximately 9:30 p.m. Respondent knew that circumcisions are normally done in the same

day surgery area of the hospital, and that they are not to be performed in the Labor and Delivery Unit. However, Respondent met the friend and baby and used her identification card to give them access to the secured Labor and Delivery unit where the procedure was performed by the doctor with the assistance of other nurses who were on-duty. The baby had no ill-effects from the procedure.

Respondent had been terminated from employment for her role in arranging and having the procedure performed in the Labor and Delivery unit. A grievance was filed, the matter proceeded to arbitration, a hearing was held, and Respondent's employment was reinstated with a letter of warning. Respondent remains employed in the Labor and Delivery unit and submitted a 2016 performance evaluation indicating that she consistently meets job expectations.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary. The Board was persuaded that the submitted materials merited modification of the discipline. Respondent's admitted role in arranging and having the procedure performed in the Labor and Delivery unit, when she knew that it was not supposed to be performed on that unit, leads to the conclusion that Respondent acted in an organizational role in this matter. However, Respondent was not the only person involved in this matter. The mother, a former

co-worker on the unit, drew the baby's blood at home, took it to the hospital, and had a record of the blood work and a patient information face sheet created by the registrar. The doctor, also a former co-worker of the mother, performed the procedure and the baby suffered no ill-effects. Other nurses assisted the doctor and knew that the procedure was being performed in the Labor and Delivery unit. Moreover, after a hearing on the matter, Respondent's employment was reinstated and she remains working in the unit with a satisfactory performance evaluation. As such, the Board determined to modify the Provisional Order of Discipline and reduce the sanction by eliminating the one year active suspension.

ACCORDINGLY, IT IS on this 9th day of November, 2016,

ORDERED that:

1. Respondent's license to practice as a Registered Professional Nurse is suspended for one year, the entire period of which shall be stayed and served as probation.

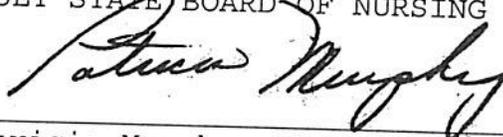
2. A reprimand is imposed on Respondent for the acts of dishonesty and the employment of deceptive practices.

3. Respondent shall complete a nursing ethics course within three months of the date of filing of this Final Order of Discipline. Respondent shall obtain pre-approval by the Board of any course she proposes to take and shall send documentation of completion to the Board immediately upon completion. This

course shall be in addition to any continuing education courses required for license renewal.

NEW JERSEY STATE BOARD OF NURSING

By:

A handwritten signature in cursive script, appearing to read "Patricia Murphy", written over a horizontal line.

Patricia Murphy, PhD, APN
Board President