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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

NAOMI DERRICK, R.N.
License # 26NR13632300

TO PRACTICE NURSING IN THE STATE OF
NEW JERSEY

Administrative Action
VERIFIED COMPLAINT

Christopher S. Porrino, Acting Attorney General of the State of New Jersey, by David M. Puteska, Deputy Attorney General, with offices located at 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101, by way of Verified Complaint says:

GENERAL ALLEGATIONS

1. Complainant, Christopher S. Porrino, Acting Attorney General of New Jersey, is charged with enforcing the laws of the State of New Jersey pursuant to N.J.S.A. 52:17A-4(h), and is empowered to initiate disciplinary proceedings against persons licensed by the New Jersey State Board of Nursing (the "Board") pursuant to N.J.S.A. 45:1-14 et seq.

2. The Board is charged with the duty and responsibility of regulating the practice of nursing in the State of New Jersey pursuant to N.J.S.A. 45:11-23 et seq.

3. Pursuant to N.J.S.A. 45:1-22, the Board may enter an order of temporary suspension pending a plenary hearing on an Administrative Complaint upon a finding of clear and imminent danger to the health, safety and welfare of the public of New Jersey.

4. Naomi Derrick, RN., License No. 16NR13632300 (“Respondent”) is a registered nurse licensed to practice nursing by the Board. At all times relevant hereto, Respondent was employed at AtlantiCare Regional Health Center, City Campus, 1925 Pacific Avenue, Atlantic City, New Jersey (“AtlantiCare”). As a result of the acts detailed herein, Respondent’s employment at AtlantiCare was terminated on May 16, 2016.

5. As detailed below, the evidence obtained against Respondent shows that she engaged in gross negligence and/or professional misconduct in her care and supervision of E.R., a minor patient with autism. Thus, Respondent’s conduct as alleged herein palpably demonstrates that her continued practice of nursing in New Jersey presents a clear and imminent danger to the public health, safety, and welfare warranting the immediate temporary suspension of her license pursuant to N.J.S.A. 45:1-22.

COUNT I

6. Complainant repeats and realleges all of the allegations contained in the General Allegations.

7. E.R. is a ten year old patient with autism who resided at AtlantiCare’s City Campus located at 1925 Pacific Avenue in Atlantic City.¹ (AtlantiCare Report to New Jersey Division of Consumer Affairs attached as Exhibit 1 (“DCA Report”) to the Certification of David M. Puteska (“Puteska Cert.”) filed herewith). On May 15, 2016, Respondent was

¹As is Board policy the names of all patients have been redacted to protect their privacy. The identity of E.R. is known to the Respondent.

employed at AtlantiCare as a registered nurse on the 7:00 a.m. to 7:00 p.m. shift. (Id.) Respondent was assigned as E.R.'s registered nurse. (Id.)

8. On multiple occasions during her care and supervision of E.R., Respondent assaulted him when he refused to follow her instructions. (Certification of Erika Popkin attached to Puteska Cert. as Exhibit 2 ("Popkin Cert.") at ¶¶5-12.)

9. Respondent's first assault on E.R. occurred in the back hallway of the unit to which E.R. was assigned. (Popkin Cert. at ¶5). E.R. was sitting on the floor with bare feet and refusing to return to his assigned room. Respondent purposely stepped on E.R.'s bare foot with her shoe and stated that "[she would] give him the needle" if he did not follow her instructions and return to his room. (Id.)

10. Respondent's second series of assaults on E.R. occurred in his room at AtlantiCare. The assaults began at approximately 8:42 a.m. when Respondent brandished a syringe with a needle attached and told E.R. that if he didn't listen he would "get the needle." (AtlantiCare patient room video recording ("Recording") #1 attached to Puteska Cert. at Exhibit 4 beginning at time code 8:00; See also Popkin Cert. at ¶7).² Approximately one minute later Respondent again brandishes the needle in front of E.R. and then sticks him with it. (Recording #1 at time code 9:00).

11. At approximately 8:46 a.m., Respondent again brandishes the needle in front of E.R. followed a few minutes later by threatening him with the needle and stabbing him

² AtlantiCare provided to the Attorney General copies of video recordings (video only no sound) of E.R.'s room made on May 15, 2016 (Certification of Teresa Rusich attached as Exhibit 3 to the Puteska Cert.). If the Attorney General's application for an Order to Show Cause which accompanies this Verified Complaint is granted, the videos will be offered into evidence during a hearing before the Board. Given that the videos show a minor in a health care setting, and are therefore highly confidential, a request will be made for the Board to consider the video evidence under seal. The videos are being identified in this application by a number and as an exhibit to the Puteska Cert. for reference purposes.

repeatedly. (Recording #2 attached to the Puteska Cert. as Exhibit 5 at time codes 2:20, 6:00, 6:41 and 9:00; See also Popkin Cert. at ¶9).

12. At approximately 8:54 a.m., Respondent again holds the syringe with a needle as a weapon in front of E.R. (Recording #3 attached to the Puteska Cert. as Exhibit 6 at time code 0:00). Approximately 2 minutes and 50 seconds later Respondent again sticks E.R. with the needle followed by another stick in his leg approximately 45 seconds later. (Id. at time codes 2:50, 3:35). Approximately 3 minutes later Respondent is seen removing the cap to the syringe as a predicate to again sticking E.R. (Id. at time code 6:40).

13. Several hours later, in a video beginning at 12:24 p.m., Respondent is again seen stabbing E.R. multiple times with the needle. (Recording #4 attached to the Puteska Cert. as Exhibit 7 at time codes 7:40 and 9:00). At approximately 12:31 p.m., Respondent twice stabs E.R. with a needle. (Id.). Respondent again at 12:33 p.m. is seen sticking E.R. with the needle when he fails to comply with her instructions. (Id.).

14. On multiple occasions it was observed that E.R. was bleeding at the locations where he had been stabbed by Respondent. (Popkin Cert. at ¶11).

15. Respondent's misconduct was not limited to assault with a needle. On the video which begins at 12:34 p.m., Respondent is seen repeatedly shoving a chair that E.R. is holding onto which causes him to fall to the floor. (Recording #5 attached to the Puteska Cert. as Exhibit 8 at time code 12:38).

16. Respondent's final assault upon E.R. occurred late in Ms. Popkin's shift. Towards the end of the day Ms. Popkin witnessed Respondent grabbing E.R.'s pinky finger and bending it backwards when he failed to comply with her instructions to return to his bed. (Popkin Cert. at ¶12). Ms. Popkin heard a loud crack and noticed E.R. recoil in pain. (Id.).

17. Respondent's actions described herein constitute gross negligence, malpractice and incompetence which endangered the life, health, welfare, safety or property of a person in violation of N.J.S.A. 45:1-21(c); repeated acts of negligence, malpractice and incompetence in violation of N.J.S.A. 45:1-21(d); professional or occupational misconduct in violation of N.J.S.A. 45:1-21(e); and/or demonstrates the failure to be of good moral character as required for licensing as a nurse pursuant to N.J.S.A. 45:11-26.

18. Respondent's conduct as alleged herein palpably demonstrates that her continued practice of nursing in New Jersey presents a clear and imminent danger to the public health, safety, and welfare warranting the immediate temporary suspension of her license pursuant to N.J.S.A. 45:1-22.

WHEREFORE, Complainant the Acting Attorney General of New Jersey demands the entry of an Order:

1. Temporarily suspending Respondent's license to practice nursing in the State of New Jersey pending the conclusion of a plenary hearing in this matter, pursuant to N.J.S.A. 45:1-22;
2. Suspending or revoking Respondent's license to practice nursing in the State of New Jersey following a plenary hearing;
3. Assessing civil penalties against Respondent for each and every separate unlawful act as set forth in the individual counts above, pursuant to N.J.S.A. 45:1-25;
4. Requiring Respondent to pay costs, including investigative costs, attorney's fees and costs, expert and fact witness fees and costs, costs of trial, and transcript costs, pursuant to N.J.S.A. 45:1-25; and

5. Ordering such other and further relief as the Board of Nursing shall deem just and appropriate under the circumstances.

CHRISTOPHER S. PORRINO
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: 

David M. Puteska
Deputy Attorney General

Dated: July 7, 2016