

*Jessica M. Williams*  
Delaware Division of Professional Regulation

DELAWARE BOARD OF NURSING

IN RE: JOANNE FIRLEIN BOGARDUS )  
 ) Case No.: 11-95-16  
LICENSE NO.: L1-0032344 )

ORDER ACCEPTING COMPLAINT AND GRANTING  
EMERGENCY TEMPORARY SUSPENSION

AND NOW, this 23<sup>rd</sup> day of February, 2017,

WHEREAS, the Delaware Department of Justice through the prosecuting Deputy Attorney General has filed with the Board of Nursing a written Complaint and Motion for Temporary Suspension; and,

WHEREAS, Ms. Bogardus is a registered nurse in the state of Delaware with an active license issued on June 6, 2004; and

WHEREAS, said Complaint and Motion allege, among other things, that from July to November of 2016, Ms. Bogardus intermittently worked as the Director of Nursing at New Castle Health and Rehab, which has a policy that unused medications must be disposed of or destroyed in the presence of a licensed nurse witness and documented on an accountability record with both nurses' signatures. Between August of 2016 and November of 2016, Ms. Bogardus documented that she wasted over 500 doses of narcotic and non-narcotic medications, including Ambien, tramadol, zolpidem, oxycodone, Xanax, morphine, hydromorphone, clonazepam and Percocet, without a witness. Between October 14 and October 27, Ms. Bogardus forged the signatures of two nurses, falsely documenting that those nurses had destroyed medications with Ms. Bogardus or witnessed her destroy medications. Ms. Bogardus admitted to one of those nurses that she forged her signature and asked the nurse to tell an investigator that they had destroyed the medications together. Ms. Bogardus also told that nurse that she had an Oxycodone problem. Ms. Bogardus ultimately admitted to forging the signatures, and her employer reported her to the Delaware State

Police Drug Diversion Unit. Ms. Boogradus was charged with five counts of Obtaining a Controlled Substance by Forgery and two counts of Forgery 2<sup>nd</sup> degree, a crime substantially related to the practice of nursing; and

**WHEREAS**, the allegations if substantiated at a formal hearing constitute unprofessional conduct under numerous provisions of the Nursing Practice Act, including but not limited to, 24 Del. C. § 1922(a)(3), (4), and (8) and Board Regulations 10.4.1, 10.4.2.4, 10.4.2.15, and 10.4.2.17; and

**WHEREAS**, Ms. Bogardus or her legal counsel was given at least 24 hours' written or oral notice so that she or her counsel could file a written response in opposition to entry of an Order of Temporary Suspension together with a copy of the Complaint in compliance with 24 Del. C. § 1923(a); and

**WHEREAS**, Ms. Bogardus filed an Answer to the State's Complaint admitting that she signed other nurses' initials on the disposal documentation but denying that she admitted to a drug problem. Ms. Bogardus further argued that her license should not be emergently suspended as she has no prior disciplinary record and is the sole wage earner for her and her disabled husband. In addition, Ms. Bogardus adamantly denied that she has a drug problem; and

**WHEREAS**, after reviewing the allegations in the State's Complaint *in toto*, said Complaint highlights the serious nature of Ms. Bogardus' offenses. Further, the undersigned have an obligation to ensure the public health is protected. After due consideration of the Complaint and Ms. Bogardus' response, the Secretary of State or his designee with the concurrence of the Board President or her designee have therefore determined that the available information is sufficient to support the entry of an Order temporarily suspending Ms. Bogardus' license to practice nursing in the State of Delaware in that there is a reasonable belief that Ms. Bogardus' continued practice presents a clear and immediate danger to the public health;

IT IS SO ORDERED this 23<sup>rd</sup> day of February, 2017:

1. That the Motion for Emergency Suspension of Joanne Firlein Bogardus' license to practice nursing (License No.: L1-0032344) is granted;
2. That Ms. Bogardus shall be served with a copy of this Order as provided in 24 *Del. C.* § 1923(b) and notice shall be provided to all other agencies listed therein;
3. That Complaint No. 11-95-16 is accepted by the Board as the Formal Complaint and shall be assigned to a hearing officer to be scheduled in accordance with 24 *Del. C.* § 1923(d) and 29 *Del. C.* § 8735(v)(1)d to hear evidence related to the Formal Complaint; and
4. That pursuant to 24 *Del. C.* § 1923(c) Ms. Bogardus may request an expedited hearing provided that the Board receives the request within 5 calendar days of the date Ms. Bogardus is notified of this Order.



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Pamela Tyranski, R.N.  
President, Board of Nursing



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The Honorable Jeffrey W. Bullock  
Secretary of State, State of Delaware

Date Mailed 2/23/2017