



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

IN THE MATTER OF THE
LICENSE OF

MICHAEL P. MENAGH, R.N.
License # NO 11605800

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a registered nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about December 21, 2011, a Demand for Statement in Writing Under Oath was sent respondent's address of record by certified and regular mail at the behest of the Board, inquiring about his nursing practice, and about a recent conviction for driving while intoxicated. The certified mailing was signed for. The regular mailing was not returned. No response was furnished to the questions posed by the Demand for Statement in Writing Under Oath.
3. The Demand for Statement in Writing Under Oath required respondent to reply within fifteen (15) days.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Demand for Statement in Writing Under Oath constitutes a failure to cooperate with a Board investigation pursuant to N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on March 14, 2012. The Order provisionally suspended Respondent's license until he cooperated and provisionally imposed a two hundred dollar (\$200) civil penalty. 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 timely responded to the Provisional Order of Discipline by providing a response to the Demand previously issued. Respondent explained that in the past, all his responses to Board inquiries were satisfactorily handled by someone acting on his behalf. Respondent had forwarded the Demand as he had done in the past and was advised that the Demand had been "resolved." Respondent, however, failed to obtain confirmation of the response sent on his behalf. Additionally, Respondent failed to appreciate the basic necessity that he personally sign the response and that the person acting on his behalf would be unable to respond to the Demand without information and documentation provided by Respondent.

The Board reviewed Respondent's submissions and 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. Inasmuch as Respondent provided the information originally requested, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a two hundred dollar (\$200) civil penalty.

ACCORDINGLY, IT IS on this 4th day of June, 2012,
ORDERED that:

1. A two hundred dollar (\$200) civil penalty is hereby imposed. Payment shall be made by certified check or money order payable to "State of New Jersey," delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the date of filing of this Final Order of Discipline. 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.

2. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, APN
Board President