

FILED
FEB 01 2013
N.J. BOARD OF NURSING

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

IN THE MATTER OF THE SUSPENSION OR :
REVOCATION OF THE LICENSE OF :
:
SUSAN M. PRYBYLKO, R.N. : ADMINISTRATIVE ACTION
License No. 26NO12085000 :
:
:
TO PRACTICE NURSING IN THE STATE : FINAL ORDER OF
OF NEW JERSEY : 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. Susan M. Prybylko ("Respondent") is a registered professional nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on April 27, 2012 by the Rahway Police Department for Simple Assault, N.J.S.A. 2C:12-1(a)(1), the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Colonia, New Jersey, via regular and certified mail on or about May 15, 2012. Both mailings were returned to the Board as "not deliverable as addressed - unable to forward."

3. To date, Respondent has not responded to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, -1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on October 24, 2012, provisionally suspending respondent's nursing license, and imposing \$200.00 civil penalty. A copy of the Order was forwarded to respondent by certified and regular mail at her 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 therefor.

The record reflects that the regular mailing of the Provisional Order was returned, marked "not deliverable as addressed - unable to forward." The certified mailing arrived at the Rahway unit on October 27, 2012, but the United States Postal Service indicated respondent had moved without leaving a forwarding address. The Board considered this matter, and found that inasmuch as the mailings had been sent to respondent's address of record with the board, constructive service had been effected. Respondent cannot evade service by failing to provide the Board with a valid address. The Board further determined that additional proceedings were not necessary, and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 1st day of February, 2013,
ORDERED that:

1. Respondent's license to practice nursing be and hereby is suspended until such time as Respondent cooperates fully with the Board's investigation by providing the Board with the information requested in the Board's letter of inquiry and a valid address of record.

2. A civil penalty in the amount of \$200.00 is imposed upon Respondent. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered 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

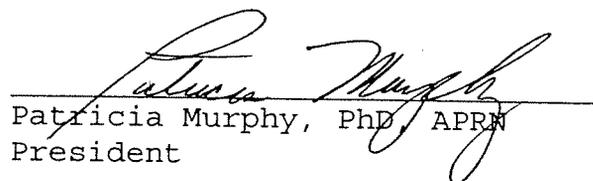
days after the entry of any Final Order of Discipline in this matter. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Upon entry of a Final Order of Discipline, Respondent shall refrain from practicing as a nurse and shall not represent herself as a Registered Professional Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

4. 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 APRN
President