

**FILED**

MAR 11 2013

**N.J. BOARD OF NURSING**

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 :  
:  
**CHERYL A. MILLEA, R.N.** :  
**License # 26NO09075900** :  
:  
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 upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a registered professional nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about December 1, 2011, Respondent was asked to provide documentation of continuing education completed during the renewal period of June 1, 2009 to May 31, 2011.
3. Respondent indicated that she was unable to provide documentation of continuing education, although N.J.A.C. 13:37-5.3 obligates Respondent to complete a minimum of thirty (30) contact hours of continuing education in order to renew her nursing license, and to retain documentation of the continuing education for a minimum of four years.

3. Respondent certified when she renewed her nursing license on April 25, 2011 that she would have completed the required continuing education credits for the June 1, 2009 – May 31, 2011 renewal period by May 31, 2011.

#### CONCLUSIONS OF LAW

Respondent's failure to demonstrate timely completion of the continuing education obligation for the June 1, 2009 – May 31, 2011 renewal cycle constitutes a violation of N.J.A.C. 13:37-5.3, and subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(h).

Respondent's certification that she completed, or would complete, the required continuing education by May 31, 2011 constitutes misrepresentation or deception within the intendment of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license and imposing a reprimand and a two hundred and fifty dollar (\$250) civil penalty was entered on January 10, 2013. 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 replied to the Provisional Order of Discipline by providing certificates of completion of 14.2 hours of continuing education completed in the June 1,

2007 – May 31, 2009 biennial renewal period; 19 hours of continuing education completed in the June 1, 2009 – May 31, 2011 biennial renewal period; and 32 hours completed in the current biennial renewal period of June 1, 2011- May 31, 2013. For the biennial period of June 1, 2009 – May 31, 2011 which is at issue, Respondent also provided certificates of completion for five “in-service” courses, a copy of her Basic Life Support (BLS) card, and a certificate indicating that she was Orthopaedic Nurse Certified. While these latter documents do not provide evidence of continuing education pursuant to the Board’s regulations found at N.J.A.C. 13:37-5.3, the Board finds that Respondent could have reasonably believed that she had satisfied the requirements when she renewed her license and answered that she had completed the required continuing education.

The Board reviewed Respondent’s submissions and determined that further proceedings were not necessary. The Board was not persuaded that the submitted materials merited further consideration. Inasmuch as Respondent cured the eleven hour deficiency in her continuing education for the June 1, 2009 – May 31, 2011 biennial period, the Board determined that suspension was no longer warranted. The Board further decided to dismiss the reprimand for engaging in misrepresentation or deception on her renewal application. However, the Board determined that Respondent failed to demonstrate, to the satisfaction of the Board, completion of thirty hours of continuing education within the June 1, 2009- May 31, 2011 biennial period. As such, the Board determined that a two hundred and fifty (\$250) civil penalty was warranted.

**ACCORDINGLY, IT IS** on this 11 day of Mar, 2013,

**ORDERED that:**

1. A two hundred and fifty dollar (\$250) civil penalty is hereby imposed for the failure to comply with N.J.A.C. 13:37-5.3. 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. Eleven of the thirty-two hours of continuing education completed by Respondent after May 31, 2011 shall be applied to cure the deficiency of the previous biennial renewal period and shall not be used to satisfy the requirements of the current biennial renewal period. Respondent shall complete an additional nine hours of continuing education prior to May 31, 2013 to satisfy the requirements of the current biennial renewal period.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Ann Murphy, PhD, APN  
Patricia Ann Murphy, PhD, APN  
Board President