

FILED

MAR 12 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 :
: :
FRANCES N. SMITH, R.N. : ADMINISTRATIVE ACTION
License No. 26NR13292300 : :
: FINAL ORDER OF
: DISCIPLINE
TO PRACTICE NURSING IN THE STATE :
OF NEW JERSEY :

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. Frances N. Smith ("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 June 13, 2012 by the Vineland Police Department for Criminal Trespass, N.J.S.A. 2C:18-3(a), the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record, 78B Jay Terrace, Vineland, New Jersey, via regular and certified mail, on or about June 18, 2012. Both the regular mailing and

the certified mailing were returned to the Board as "vacant - unable to forward."

3. On or about June 29, 2012, the Board sent a second letter of inquiry, requesting certain information and submission of documents, to Respondent at 114 N. Franklin Street, Landisville, New Jersey 08326. The regular mailing was not returned; the certified mail receipt was signed and returned to the Board.

4. Respondent did not provide a response 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 suspending Respondent's license and imposing a two hundred dollar (\$200) civil penalty was entered on October 16, 2012. 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 responded to the Provisional Order of Discipline by providing the information originally requested in the letters that had been mailed in June of 2012.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised with respect to the failure to cooperate issue. 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 12th day of Mar, 2013,

ORDERED that:

1. A civil penalty in the amount of two hundred dollars (\$200) is hereby imposed upon Respondent. Payment shall be made by certified check or money order, payable to the State of New Jersey, mailed or 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 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 or with regards to any deficiency in continuing education completed.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, PhD, APN

Patricia Murphy, PhD, APN
President