

**FILED**  
**MAR 19 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 LICENSE OF :  
 : Administrative Action  
NURSE, ANDERSON GABRIEL, RN :  
License # 26NR10521600 : **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 ("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. Anderson Gabriel Nurse ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey and has been a licensee at all relevant times.

2. On or about May 5, 2010, Respondent completed his biennial license renewal online for the period of June 1, 2010 - May 31, 2012. The online renewal contains a question which asks "Since your last renewal has any action been taken or is any action now pending against your professional license or have you been permitted to surrender or otherwise relinquish your license to avoid inquiry, investigation or action by any other licensing authority that you have not already reported to your

board/committee?" Respondent answered "no" and certified that answer to be true by submitting the online application.

3. The Board received information that the New York State Board for Nursing took action against Respondent's license to practice nursing in New York pursuant to an Application for Consent Order granted on or about September 15, 2009. Respondent agreed therein not to contest a charge of one specification of professional misconduct, namely, failing to administer medication to a patient and failing to record said patient's readings. As a result, Respondent's New York license was suspended for two (2) years, but stayed, and he was placed on probation. Respondent was also fined five hundred dollars (\$500.00).

#### CONCLUSIONS OF LAW

The Board finds that Respondent engaged in the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b) by certifying on his New Jersey license renewal application that no other licensing authority had taken action against his license when, in fact, the New York State Board for Nursing had taken action against his license during the relevant time period.

Additionally, pursuant to N.J.A.C. 13:37-5.9, a licensee shall immediately notify the Board if he or she is the subject of any disciplinary action by any state board. Respondent failed to self-report the New York board action to the New Jersey Board.

Accordingly, the Board finds Respondent has failed to comply with a regulation administered by the Board, and is thus also subject to discipline within the intendment of N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on January 17, 2013, provisionally imposing a reprimand and a \$250.00 civil penalty. A copy of the Order was served upon respondent by certified and regular mail at his address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> 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.

Respondent replied to the Provisional Order, indicating that his failure to report New York's action to the Board when he renewed his nursing license was a "mishap" and a "mistake." The Board considered that respondent's 2010 renewal form clearly shows that respondent indicated "N" in response to the question about actions taken by other states against his license, and that the order imposing a stayed suspension on respondent issued on September 9, 2009. Thus inaccurate information was provided by

respondent to the Board, and moreover his submission does not address his failure to notify the Board at the time the consent order issued, as he is required to do pursuant to N.J.A.C. 13:37-5.9. The Board therefore determined that further proceedings were not necessary, and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 19<sup>th</sup> day of March, 2013,

ORDERED that:

1. Respondent is hereby reprimanded for his violations of N.J.S.A. 45:1-21 (b) and (h).

2. A civil penalty in the amount of two hundred dollars fifty dollars (\$250.00) is imposed upon Respondent. Payment shall be made by certified check or money order payable to "State of New Jersey," delivered to George Hebert, Executive Director, State of Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than fifteen (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.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, Ph.D. APN  
Patricia Murphy, PhD, APN  
Board President