

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

<u>IN THE MATTER OF THE LICENSE OF</u>	:	
	:	Administrative Action
FLORIAN DOMINGO F. ESTIVE, RN	:	
License # 26NR11995000	:	FINAL ORDER
	:	OF DISCIPLINE
TO PRACTICE NURSING IN THE	:	
<u>STATE OF NEW JERSEY</u>	:	_____

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. Florian Domingo F. Estive ("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 April 2, 2009, Respondent completed his biennial license renewal online for the period of June 1, 2009 - May 31, 2011. On or about March 29, 2011, Respondent also completed his biennial license renewal online for the period of June 1, 2011 - May 31, 2013. The online renewals contain 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" on both renewals and certified those answers to be true by submitting the online applications.

3. The Board received information that on or about May 19, 2009, the New York State Board for Nursing took action against Respondent's New York licenses to practice as a registered professional nurse and licensed practical nurse by suspending each license for twenty-four (24) months, but staying the last twenty-one (21) months of said suspensions, and placed Respondent on probation. Respondent was also fined twenty-five hundred dollars (\$2,500.00). More specifically, the New York State Board found Respondent guilty of conduct that evidences moral unfitness to practice and practicing nursing fraudulently, in relation to his selling or offering to sell certificates of completion for a continuing education course to other members of the nursing staff at Mount Sinai Hospital.

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 applications that no action had been taken or was pending against any license issued by another authority when, in fact, the New York State Board for Nursing had an action

pending and taken against his license during the relevant time periods.

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 10, 2013, provisionally imposing a reprimand and a \$250 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 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.

Respondent replied to the Provisional Order, and although he claimed that he indicated that there had been a complaint about an

incident at Mr. Sinai Hospital on his 2007 renewal, he acknowledges that he did not inform the Board about the matter in "a separate letter," and a review of his 2007 renewal answers clearly indicated that respondent answered "no" to the question about actions taken by other state boards. Respondent's nursing license was suspended by New York on May 19, 2009, and this action was not indicated on his renewal form submitted in April of 2009, nor was it indicated on the 2011 renewal form. The Board considered this matter and determined that further proceedings were not necessary, and as no material discrepancies were raised with respect to the findings and conclusions of the Provisional Order, the Board determined that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 19th 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 the 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.

3. The Board reserves the right to initiate further disciplinary action based upon the underlying action taken by the Sister State of New York.

NEW JERSEY STATE BOARD OF NURSING

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