

**FILED**  
**MAY 08 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 :  
: :  
LINDA M. HESS, R.N. : ADMINISTRATIVE ACTION  
License No. 26NR13960100 : :  
: 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 on which the following findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Linda M. Hess ("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 September 9, 2012 by the Pennsville Police Department for violation of N.J.S.A. 2C:35-24, Possession of Certain Prescription Drugs, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Pennsville, New Jersey, via regular and certified mail on or about September 13, 2012. The

regular mailing was not returned; the certified mail receipt was signed by a third party and returned to the Board.

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).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on February 4, 2013, provisionally suspending respondent's nursing license, and imposing a \$200.00 civil penalty. A copy of the Order was served upon 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 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.

The record reflects that the certified mailing of the Provisional Order was returned, unclaimed. The regular mailing was not returned. The Board determined that service had been effected, as the mailings had been sent to respondent's address of record with the Board. The Board further determined that inasmuch as no material discrepancies had been raised with respect to the findings of fact and conclusions of law, additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 8<sup>th</sup> day of May, 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.

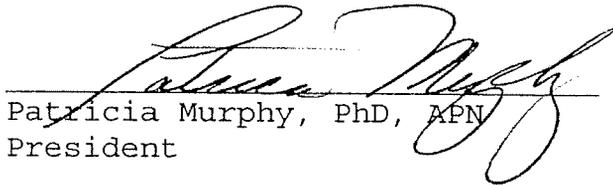
2. A civil penalty in the amount of \$200.00 is imposed upon Respondent. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of 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. 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, APN  
President