

**FILED**

JUL 08 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	:	
	:	
	:	Administrative Action
RICHARD J. HEANEY, LPN	:	
License # NP 05742700	:	
	:	
	:	FINAL ORDER
TO PRACTICE NURSING IN THE	:	OF DISCIPLINE
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. Respondent is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about October 24, 2012, respondent was sent a Demand for Statement in Writing Under Oath ("Demand for Statement") on behalf of the Board, asking questions about his participation in the Recovery and Monitoring Program of New Jersey (RAMP), his nursing employment, continuing education and other matters. The Demand for Statement was sent to respondent's address of record with the Board by certified and registered mail.
3. The certified mailing of the Demand for Statement was delivered on October 27, 2012. The regular mailing was not returned. No response was received.

## CONCLUSIONS OF LAW

Respondent's failure to respond to an inquiry on behalf of the Board constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21 (e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license and imposing a two hundred dollar civil penalty was entered on February 13, 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 responded to the Provisional Order of Discipline and provided answers to the questions that were asked in the Demand for Statement that had originally been mailed on October 24, 2012. Respondent maintained that the Demand for Statement got misplaced while cleaning up after Hurricane Sandy. Even after the clean-up, however, respondent failed to provide answers to the Board until receiving the Provisional Order of Discipline.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary. 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 X<sup>th</sup> day of JULY, 2013,

ORDERED that:

1. A \$200.00 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. Nothing herein precludes the Board from taking action on any conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF NURSING

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