



Demand requested that Respondent provide answers to ten questions, including a question which asked if she had completed the required continuing education courses, and requested that she provide proof of successful completion of all credits earned during the renewal period of June 1, 2009 through May 31, 2011.

4. As to the question concerning continuing education, Respondent attached a certificate indicating that she was an Oncology Certified Nurse, which does not equate to continuing education. She also attached proof of having completed one hour of continuing education during the biennial period of June 1, 2009 – May 31, 2011 and 3.5 hours during the June 1, 2007 – May 31, 2009 biennial cycle. Lastly, Respondent attached certificates of completion for 1.5 hours of continuing education, but the dates are incomplete and it is unknown when Respondent actually completed those hours.

#### CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3, a nurse shall complete a minimum of 30 hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license. N.J.A.C. 13:37-5.3(a). Additionally, a registered professional nurse or licensed practical nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

Respondent failed to demonstrate, to the satisfaction of the Board, timely completion of the required thirty hours of continuing education for the biennial period of June 1, 2009 through May 31, 2011. Respondent failed to demonstrate timely completion of twenty nine hours of continuing education during that time frame. The

Board therefore found Respondent in violation of N.J.A.C. 13:37-5.3(b), which the Board deemed professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constituted a violation or failure to comply with a regulation administered by the Board within in the intendment of N.J.S.A. 45:1-21(h):

Further, the Board found that Respondent's submission of her 2011 renewal, wherein she answered affirmatively that she had completed, or would complete, the required continuing education, and subsequent failure to provide documentation of completion, constituted the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b). See also N.J.A.C. 13:37-5.3.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license and imposing a reprimand and a two hundred fifty dollar (\$250) civil penalty was entered on April 17, 2013 and a copy was forwarded to Respondent's last known address by means of both 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 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 United States Postal Service track and confirm system reflected that the Provisional Order sent via certified mail was delivered to Respondent on April 20, 2013.

Additionally, the regular mailing was not returned. The Board deemed service effected and erroneously believed that no response was received. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and that the Provisional Order should be made final upon default.

On July 2, 2013 a Final Order of Discipline was filed which imposed a suspension, a reprimand, and a two hundred and fifty dollar (\$250) civil penalty. After Respondent received a copy of the Final Order of Discipline, she called and claimed that she had sent in a response to the Provisional Order of Discipline via certified mail. The Board undertook a search and found that a response to the Provisional Order of Discipline had indeed been received by the Board on or about May 14, 2013, but had been routed to the wrong personnel.

Therefore, the Board retrospectively reviewed the response and determined that Respondent submitted evidence of completing sixty hours of continuing education in April and May of 2013 which can be applied to cure the deficiency of the June 1, 2009 – May 31, 2011 biennial renewal period and can additionally satisfy the requirements of the June 1, 2011 – May 31, 2013 biennial renewal period. Respondent maintained that she had completed many in-service classes during the June 1, 2009 – May 31, 2011 biennial period, but did not provide any additional certificates of completion for that time frame. Respondent failed to prove, to the satisfaction of the Board, that those in-services were approved or accredited as continuing education or that she had completed thirty hours of classes within the appropriate time frame. Had the Board reviewed Respondent's response when it originally considered whether to finalize the Provisional Order of Discipline, the Final Order filed on July 2, 2013 would have

included the reprimand for falsely claiming completion of continuing education when she was unable to demonstrate that she had completed continuing education and the two hundred and fifty dollar (\$250) civil penalty for failing to complete the required continuing education within the appropriate time frame, but would not have included the suspension until she demonstrated completion of the required continuing education. Respondent was suspended due to an administrative error of the Board.

ACCORDINGLY, IT IS on this 17<sup>th</sup> day of July, 2013,

**ORDERED that:**

1. The Final Order of Discipline filed on July 2, 2013 is hereby vacated nunc pro tunc. Respondent's license is hereby reinstated nunc pro tunc.
2. Respondent is reprimanded for her violations of N.J.S.A. 45:1-21 (b).
3. A civil penalty in the amount of two hundred and fifty dollars (\$250) is imposed upon Respondent for her violation of N.J.S.A. 45:1-21(e) and (h). 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.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PLD APN  
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