



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION : Administrative Action
OR REVOCATION OF THE LICENSE OF :
:
ELENA AIDAROVA, RN : FINAL ORDER
License # 26NR13374900 : 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 upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Elena Aidarova ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey and has been a licensee at all relevant times.

2. The Board received information that Respondent was arrested in Bellmawr, on November 30, 2010, by members of the State Police and charged with violating N.J.S.A. 2C:35-10.5(a)(1) (Distribute Prescription Legend Drug).

3. On or about December 2, 2010, the Board sent Respondent a letter to her address of record in Manalapan, New Jersey, via regular and certified mail, seeking information

about her November 30, 2010 arrest. The letter reminded Respondent of her statutory and regulatory duty to cooperate with a Board investigation. The Board received a signed receipt confirming delivery of the certified mail and the regular mailing was not returned. Respondent failed to reply.

4. On or about May 18, 2011, the Board sent Respondent a "final request" letter to her address of record in Manalapan, New Jersey, via regular and certified mail, seeking information about her November 30, 2010 arrest. The letter reminded Respondent of her statutory and regulatory duty to cooperate with a Board investigation. The Board received a signed receipt confirming delivery of the certified mail and the regular mailing was not returned.

5. By letter dated June 8, 2011, Respondent's attorney simply advised the Board that Respondent was awaiting a court date and provided no other information.

6. Board staff faxed the attorney on September 6, 2011 and September 20, 2011 seeking a complete response to the original letter of inquiry, including a court disposition.

7. By letter dated September 21, 2011, Respondent's attorney advised that Respondent was applying for Pre-Trial Intervention (PTI).

8. On an unknown date, the Board received a fax including the Complaint-Summons as well as three illegible copies of motor vehicle tickets.

9. Board staff faxed Respondent's attorney on March 21, 2012 seeking a complete response to the original letter of inquiry, specifically requesting conditions of PTI, and answers to questions 4, 6, and 7 on the letter of inquiry which pertain to probation/fines, current nursing employment/performance evaluation, and a narrative of the incident leading to the arrest. The Board received no response.

5. On or about December 5, 2011, the Board sent a letter to Respondent acknowledging that Respondent had indicated on her 2011 license renewal that she had not completed continuing education required for renewal. The letter requested proof of thirty hours of continuing education required for the biennial renewal period of June 1, 2009 through May 31, 2011 or inactivation of Respondent's license. Respondent failed to reply.

CONCLUSIONS OF LAW

Respondent's failures to fully respond to the Board's inquiries constitute failures to cooperate with Board investigations, in contravention of N.J.A.C. 13:45C-1.2 and 1.3,

which the Board deems professional misconduct within the meaning of N.J.S.A. 45:1-21(e), and thus subjects 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 suspending Respondent's license to practice and imposing a two hundred dollar (\$200) civil penalty was entered on February 6, 2013 and a copy was forwarded to Respondent's attorney via 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 indicates that the Provisional Order sent by means of certified mail was delivered to the attorney's office on February 11, 2013, and the regular mail was not returned. Because the Order was forwarded to Respondent's attorney of record and no mail was

returned, the Board deems service to have been effected. The Board received no response from Respondent or her attorney. Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 2nd day of August, 2013,
ORDERED that:

1. Respondent's license to practice nursing is suspended until Respondent fully responds to the Board's inquiries of December 2, 2010 and December 5, 2011, and provides proof of completion of required continuing education, including thirty hours for the June 1, 2009 - May 31, 2011 biennial period and thirty hours for the June 1, 2011 - May 31, 2013 biennial period.

2. A civil penalty in the amount of two hundred dollars (\$200) is imposed upon Respondent for the failure to cooperate with a Board investigation by responding to the Board's letters. 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. Respondent shall refrain from practicing nursing 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. The Board reserves the right to take further disciplinary action based upon any information received in the future regarding the disposition of the arrest, Respondent's fitness and competency to practice, and Respondent's compliance with required continuing education.

NEW JERSEY STATE BOARD OF NURSING



By: _____
Patricia Murphy, PhD, APN
Board President