

F I L E D

SEP 03 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
NICOLE G. OLIVERA, L.P.N.	:	
License # 26NP05967900	:	
	:	FINAL ORDER OF DISCIPLINE
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 upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Nicole G. Olivera ("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 June 2, 2011, Respondent completed and submitted an online biennial license renewal for the period of ~~June 1, 2011 through May 31, 2013~~. The online renewal contains a question which asks "Will you have completed the required continuing education credits by May 31, 2011," referring to the

biennial renewal period of June 1, 2009 through May 31, 2011. Respondent answered "yes" to the question, and certified that answer to be true by submitting the online application.

3. On or about March 15, 2012, the Board sent Respondent a Demand for Written Statement Under Oath (Demand) requesting information from Respondent. The 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 maintained that she had taken in-services at the nursing facility where she worked and that she had taken nursing courses at Excelsior College. Respondent submitted a printout showing a three credit college course titled "Essentials of Nursing Care: Reproductive Health" successfully completed in March 2010 at Excelsior College which equates to fifteen hours of continuing education. Respondent also submitted documentation indicating that she completed twenty hours on March 21, 2012, after the biennial period ended on May 31, 2011.

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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, completion of the required thirty hours of continuing education for the biennial period of June 1, 2009 through May 31, 2011. Successful completion of a college course related to nursing equates to five hours of continuing education for each college credit completed according to N.J.A.C. 13:37-5.3(d)(5). As such, Respondent completed fifteen hours of continuing education during the appropriate time frame. The Board finds Respondent in violation of N.J.A.C. 13:37-5.3, which the Board deems professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes 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).

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Further, the Board finds 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, constitutes 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.

Respondent may retroactively apply fifteen hours of continuing education completed in 2012 towards the deficiency in her continuing education for the June 1, 2009 - May 31, 2011 biennial period. However, those same fifteen hours may not be applied towards satisfaction of the biennial period of June 1, 2011 - May 31, 2013.

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline imposing a reprimand and a fine of two hundred and fifty dollars (\$250) was entered on April 30, 2013. A copy was forwarded to Respondent's last known address in Somerdale, New Jersey, by means of both regular and certified mail. The United States Postal Service track and confirm system indicated that the certified mail was forwarded to another address, but did not indicate that it was delivered. Respondent moved and failed to notify the Board of her change of address in accordance with N.J.A.C. 13:37-5.7. The regular mail, however, was not returned and is deemed to have been served pursuant to N.J.A.C. 13:37-5.7. However, because the Board had received returned mail regarding the 2013 renewal of Respondent's

license, a call was placed to Respondent to confirm that Respondent had received the Provisional Order of Discipline. Respondent stated that she had received the Provisional Order of Discipline and had sent in a money order in response. She recently renewed her nursing license and provided the Board with a new address at that time.

The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> 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 timely responded to the Provisional Order of Discipline by providing a money order for two hundred and fifty dollars to pay the civil penalty upon finalization.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law.

ACCORDINGLY, IT IS on this 3<sup>rd</sup> day of Sept., 2013,

ORDERED that:

1. Respondent is reprimanded for her violations of N.J.S.A. 45:1-21 (b).

2. 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). The Board acknowledges receipt of a money order and will process same as payment of the civil penalty.

3. Respondent shall complete 30 hours of continuing education per biennial renewal period.

NEW JERSEY STATE BOARD OF NURSING

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