

FILED

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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 :
: :
CANDICE L. MUNGER, R.N. : ADMINISTRATIVE ACTION
License No. 26NR13626100 :
: 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 upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Candice L. Munger ("Respondent") is a registered professional nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Pursuant to N.J.A.C. 13:37-5.3(b), licensees are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses.

3. Pursuant to N.J.A.C. 13:37-5.3(f), licensees are required to maintain documentation of completion of continuing

education for a period of four years after completion, and shall submit such documentation to the Board upon request.

4. On or about May 30, 2012, Respondent completed and submitted an online biennial renewal for the period of June 1, 2012 through May 31, 2014.

5. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2012," referring to the period of June 1, 2010 through May 31, 2012. Respondent answered "Yes" to the question.

6. Upon receipt of a flagging notice indicating that Respondent was arrested on November 22, 2012 by the Atlantic City Police Department for violation of N.J.S.A. 2C:35-10, possession/use of a controlled dangerous substance, and N.J.S.A. 2C:35-5, manufacture/distribute a controlled dangerous substance, the Board sent a letter of inquiry, requesting certain information and submission of documents, including proof of completion of thirty (30) hours of continuing education, to Respondent's address of record in Toms River, New Jersey, via regular and certified mail on or about December 3, 2012. The regular mailing was not returned; the certified mail receipt was signed by a third party and returned to the Board.

7. 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).

By virtue of having failed to respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2010 through May 31, 2012. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of

Respondent's license to practice nursing in the State of New Jersey and a fine of \$450.00 was entered on May 13, 2013. A copy was forwarded to Respondent's last known address of record by means of both regular and certified mail. The regular mailing was not returned; the certified mail receipt was returned to the Board as "unclaimed." The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th 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.

Because the Order was forwarded to Respondent's address of record, the Board deems service to have been effected. Respondent cannot evade service by failing to provide the Board with a valid address or failing to respond. To date, Respondent has not submitted a response to the Provisional Order. The Board further determined that inasmuch as no discrepancies have been raised with respect to the findings and conclusions of the Provisional Order, no further proceedings are necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 3rd day of Sept., 2013,

ORDERED that:

1. Respondent's license to practice nursing is hereby 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 and proof of completion of thirty (30) hours of continuing education to be applied to the June 1, 2010 through May 31, 2012 biennial renewal period. Continuing education hours taken currently and applied to cure the deficiency from the previous biennial period shall not be used to satisfy the requirements of the current biennial period.

2. A reprimand is imposed on Respondent for falsifying the continuing education information on her license renewal application.

3. Respondent is assessed a civil penalty in the amount of four hundred and fifty dollars (\$450). Said penalty is an aggregate penalty, which includes a penalty in the amount of two hundred dollars (\$200) for failure to cooperate with a Board investigation and a penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. 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, 124 Halsey Street, 6th floor, 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.

4. Upon finalization of this Order, 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.

5. The Board reserves the right to take disciplinary action based upon any information received concerning Respondent's drug-related arrest.

NEW JERSEY STATE BOARD OF NURSING

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