

FILED
SEP 18 2013
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 :
REVOCAION OF THE LICENSE OF :
:
ELIZABETH A. ZIMMERMANN, RN : ADMINISTRATIVE ACTION
License No. 26NR14862600 :
:
:
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 on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Elizabeth A. Zimmermann ("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 31, 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 20, 2012 by the East Brunswick Police Department for violation of N.J.S.A. 2C:35-10(a)(1), possession of a controlled dangerous substance, and N.J.S.A. 2C:36-2, possession of drug paraphernalia, 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, 332 Sherwood Drive, Aberdeen, New Jersey, via regular and certified mail on or about November 27, 2012. The regular mailing was returned to the Board as "no such street - unable to forward"; the United States Postal Service reported that the certified mailing was undeliverable and was returned to the Board.

7. On or about April 25, 2013, the Board sent a second letter of inquiry requesting the above information to Respondent at 332 Sherwood Drive, Keyport, New Jersey 07735 via certified and regular

mail. The regular mailing was not returned; the certified mail receipt was illegibly signed and returned to the Board.

8. 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.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on May 17, 2013, provisionally

suspending respondent's nursing license, and imposing a reprimand and a total of \$450.00 in civil penalties. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business 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 replied to the Provisional Order, seeking consideration. Respondent claimed that she had not received the November inquiry from the Board. The Board notes that respondent nevertheless did not respond to the Board's April, 2013 inquiry until July of 2013. Accordingly respondent failed to timely respond to a Board inquiry. Additionally, respondent provided a copy of the police report, the grand jury indictment, and documentation of some continuing education. However, respondent only provided documentation of valid continuing education, as defined in N.J.A.C. 13:37-5.3, in the form of certificates of completion of a total of seventeen (17) contact hours of continuing education in lieu of the required thirty (30) hours. The Board notes that respondent

knew or should have known that some of the documentation submitted, such as documentation relating to ACLS courses, do not constitute continuing education as defined in N.J.A.C. 13:37-5.3. Accordingly, the Board finds that respondent engaged in misrepresentation on her renewal form when she indicated that she would have timely completed required continuing education by May 31, 2012. Respondent also indicated that she has been suffering from Post-Traumatic Stress disorder because she was a victim of violent crime, and that having to respond to the Board "set her back" in her recovery. The Board considered this matter, and determined that in light of respondent's failure to document a total of thirty (30) contact hours of continuing education for the 2010-2012 renewal period, the Provisional Order should be made final and should include suspension until respondent can document that she is fully up-to-date in meeting continuing education requirements.

ACCORDINGLY, IT IS on this 18th day of September, 2013,

ORDERED that:

1. Respondent's license to practice nursing be and hereby is suspended until such time as Respondent provides the Board with 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 hereby assessed a civil penalty in the amount of \$450.00. Said penalty is an aggregate penalty, which includes a penalty in the amount of \$200.00 for failure to cooperate with a Board investigation and a penalty in the amount of \$250.00 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, prior to reinstatement of respondent's nursing license, to require respondent to document the disposition her November 20, 2012 arrest, if there has been such a disposition, and to require respondent to demonstrate that she is fit and competent to resume nursing practice, in light of her assertion that she suffers from Post Traumatic Stress disorder.

NEW JERSEY STATE BOARD OF NURSING

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