

**FILED**

SEP 23 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 : Administrative Action  
OR REVOCATION OF THE LICENSE OF :  
: ISABEL A. ROQUE, LPN :  
License # 26NP05895400 : 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 ("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. Isabel A. Roque ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey and has been a licensee at all relevant times.

2. The Board received information that on April 26, 2011, Respondent was terminated from her position as a Licensed Practical Nurse at Bergen Regional Medical Center for poor job performance, failure to follow medical center policy and procedure, and poor interpersonal skills.

3. On or about April 23, 2012, the Board sent Respondent

a letter to her address of record in Little Ferry, New Jersey, via regular and certified mail, seeking information about her April 2011 termination. 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 June 1, 2012, the Board sent Respondent a "second notice" letter to her address of record in Little Ferry, New Jersey, via regular and certified mail, seeking information about her April 2011 termination. The letter reminded Respondent of her statutory and regulatory duty to cooperate with a Board investigation. The certified mailing was returned as "unclaimed", the regular mailing was not returned. Respondent failed to reply.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's inquiry constitutes a failure to cooperate with a Board investigation, 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).

### 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 was entered on July 2, 2013. A copy was forwarded to Respondent's last known address by means of both regular and certified mail. The regular mail was not returned; the certified mail was forwarded to a new address and then returned to the Board as "unclaimed." 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.

To date, Respondent has not submitted a response to the Provisional Order. Although the Provisional Order sent by means of certified mail was returned as "unclaimed", the regular mail was not returned. Because the Order was mailed to Respondent's address of record, the Board deems service to have been

effected. Respondent has a duty, pursuant to N.J.A.C. 13:37-5.7 to notify the Board of Nursing within thirty (30) days of any address change. The certified mail was forwarded to a new address and Respondent still did not reply. Respondent cannot evade discipline by failing to provide an accurate and up to date address. Accordingly, the Board determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 23<sup>rd</sup> day of Sept., 2013,  
ORDERED that:

1. Respondent's license to practice as a Licensed Practical Nurse is hereby suspended until Respondent fully responds to the Board's inquiries of April 23, 2012 and June 1, 2012.

2. A civil penalty in the amount of two hundred dollars (\$200) is hereby 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 as a License Practical Nurse and shall not represent herself as a licensed professional 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 underlying allegations surrounding Respondent's termination, and Respondent's compliance with required continuing education.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, Ph.D., APRN, FAAN  
Patricia Murphy, PhD, APN  
Board President