



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

IN THE MATTER OF THE LICENSE OF :
: ADMINISTRATIVE ACTION
ANA I. MUNOZ, R.N. :
License No. 26NO12075600 : 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. Ana I. Munoz ("Respondent") is a registered professional nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. In July 2012, Respondent enrolled in the Board's designated intervention program, the Recovery And Monitoring Program of the Institute for Nursing ("RAMP"), after being terminated from her place of nursing employment for prescription fraud and diversion.

3. On or about February 2013, the Board received correspondence from RAMP indicating that Respondent was noncompliant with her RAMP agreement. Respondent failed to attend peer support meetings, failed to follow the recommendations of RAMP to enter an Intensive Outpatient Treatment program upon discharge from inpatient treatment, failed to comply with monthly reporting requirements, failed to remain in contact with her RAMP case manager either by electronic messaging or phone, failed to complete the 12 step meeting documentation, and failed to attend required 12 step meetings.

4. On or about April 26, 2013, the Board sent a demand for written statement under oath to Respondent, asking Respondent to provide answers to some questions regarding her termination due to diversion, her nursing practice, and her continuing education. The demand was mailed via regular and certified mail to Respondent's address of record on file with the Board. The regular mail was not returned and the United States Postal Service track and confirm system indicates that the certified mail was delivered on May 6, 2013. The Board has not received any reply.

5. On May 27, 2011, Respondent renewed her nursing license through May 31, 2013, by submitting an online renewal

application wherein Respondent answered "no" to the question asking whether she had fulfilled the continuing education requirement.

6. Respondent allowed her license to expire on May 31, 2013.

CONCLUSIONS OF LAW

Respondent's failures to respond to the Board's requests for information constitute a violation of N.J.S.A. 45:1-21 (h) in that Respondent failed to cooperate with the Board's investigation in contravention of N.J.A.C. 13:45C-1.2 and 1.3.

Pursuant to N.J.A.C. 13:37-5.3(b), a nurse shall complete a minimum of 30 hours of continuing education per biennial period. 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. 13:3-5.3(f). As per Respondent's answer on biennial renewal application and her failure to provide proof of completion of continuing education in response to the demand for written statement under oath, the Board finds Respondent in violation of N.J.A.C. 13:37-5.3(b), 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 the intendment of N.J.S.A. 45:1-21(h).

Lastly, Respondent's noncompliance with her RAMP agreement and her failure to follow RAMP's recommendations for further treatment warrant evaluation, monitoring, testing and treatment as a condition for reinstated licensure to ensure that Respondent's practice does not jeopardize the safety and welfare of the public and to ensure that Respondent can properly discharge the functions of a licensee within the intendment of N.J.S.A. 45:1-22(e) and (f).

Since Respondent allowed her nursing license to expire on May 31, 2013, her license to practice nursing was administratively suspended by operation of statute, N.J.S.A. 45:1-7.1, without a hearing, on July 1, 2013. Although Respondent's license to practice nursing was administratively suspended on July 1, 2013, this Order imposes a disciplinary suspension.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline imposing a seven hundred and fifty dollar (\$750) civil penalty and seeking the disciplinary suspension of Respondent's license to practice nursing in the State of New Jersey was entered on August 16, 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 and the certified mail 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 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 forwarded to Respondent's address of record, the Board deems service to have been effected. Respondent may not evade service by failing to claim the certified mailing. Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 18th day of Oct., 2013,
ORDERED that:

1. Respondent's license to practice nursing is hereby suspended until such time as Respondent cooperates fully with the Board's inquiry, submits proof of compliance with the continuing education requirements (thirty hours for every biennial renewal period, starting June 1, 2009), and until Respondent demonstrates that she is fit and competent and that RAMP supports her reinstatement.

2. A civil penalty in the total amount of seven hundred and fifty dollars (\$750) is hereby imposed, which includes a five hundred dollar (\$500) civil penalty for failure to cooperate with the Board's inquiry and a two hundred and fifty (\$250) civil penalty for failure to comply with continuing education requirements for the June 1, 2009 - May 31, 2011 biennial renewal period. Payment shall be made by certified check or money order, payable to "State of New Jersey," delivered or mailed to George Hebert, Executive Director, State Board of Nursing, 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.

3. 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.

NEW JERSEY STATE BOARD OF NURSING

By: *Patricia Murphy* P.L.D. APRN, FAAN
Patricia Murphy, PhD, APN
President