

FILED

JAN 28 2014

STATE 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 LICENSE OF	:	Administrative Action
JINAH B. CAROLINO, R.N.	:	
License No. 26NO09935700	:	FINAL ORDER WITHDRAWING
TO PRACTICE NURSING	:	PROVISIONAL ORDER
IN THE STATE OF NEW JERSEY	:	OF DISCIPLINE

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. Jinah B. Carolino ("Respondent") is licensed as a registered professional nurse in the State of New Jersey and has been a licensee at all relevant times.

2. On or around April 18, 2012, Respondent completed an online biennial license renewal application which asked "Will you have completed the required continuing education credits by May 31, 2012," referring to the thirty hours of continuing education required during the June 1, 2010 - May 31, 2012 biennial period. Respondent answered "yes" and certified that answer to be true by submitting the online application.

4. On or around February 8, 2013, the Board sent Respondent a demand for written statement under oath requesting certain information from Respondent including certificates of completion of all credits earned during the renewal period of June 1, 2010 - May 31, 2012.

5. Respondent replied, but failed to include any certificates of completion of continuing education. Respondent maintained that her former employer had a list of courses which Respondent completed.

6. Respondent's attorney was advised that the Board was seeking actual certificates of completion of continuing education. Respondent supplemented her reply and attached certificates of completion. However, the certificates are for in-service classes and do not include language stating that the classes were approved or accredited as continuing education for nurses and do not include the number of hours or credits awarded for completion.

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).

At the time of the filing of the Provisional Order, it appeared that Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed any continuing education required for the June 1, 2010 - May 31, 2012 biennial renewal period. Respondent's failure to complete 30 hours of continuing education during the June 1, 2010 - May 31, 2012 biennial period constituted a violation of N.J.A.C. 13:37-5.3, which the Board deemed professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constituted 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).

Further, the Board preliminarily found that Respondent's submission of her 2012 renewal, wherein she answered affirmatively that she had completed, or would complete, the required continuing education, when she did not complete the required continuing education, constituted the use or employment

of dishonesty, deception, or misrepresentation within the intentment of N.J.S.A. 45:1-21(b).

According to N.J.A.C. 13:37-5.3, continuing education certificates must include the number of hours attended, and must include language indicating that the course was approved/accredited as continuing education for nurses. The proofs provided by Respondent did not include this information and therefore Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed any continuing education requirements for the aforementioned biennial renewal period.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license to practice nursing in the State of New Jersey was entered on September 3, 2013 and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5 p.m. on the 30th business day following entry unless respondent requested for modification or dismissal setting forth in writing any and all reasons why said finding 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.

In response to the Provisional Order of Discipline, Respondent provided additional certificates of completion indicating that Respondent had completed sixty hours of continuing education within the appropriate time frame.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary. Respondent has completed more than the required thirty (30) hours of continuing education for the biennial period of June 1, 2010 - May 31, 2012.

ACCORDINGLY, IT IS on this 28th day of Jan., 2014,

ORDERED that:

1. The Provisional Order of Discipline filed on September 3, 2013 is hereby withdrawn in its entirety.

NEW JERSEY STATE BOARD OF NURSING

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