

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 LICENSE OF :
: Administrative Action
MARY E. SPRAGUE, R.N. :
License No. 26NO07947600 :
: 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. Mary E. Sprague ("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 about April 7, 2011, Respondent completed an online biennial license renewal application which asked "Will you have completed the required continuing education credits by May 31, 2011," referring to the thirty hours of continuing education required during the June 1, 2009 - May 31, 2011 biennial renewal

period. Respondent answered "yes" and certified that answer to be true by submitting the online application.

3. On or about March 6, 2013, the Board sent Respondent a Demand for Written Statement Under Oath seeking information, including all certificates of completion of continuing education credits earned during the June 1, 2009 to May 31, 2011 biennial renewal period.

4. Respondent replied and attached certificates of completion indicating that she had completed 27.92 hours of continuing education during the June 1, 2011 - May 31, 2013 biennial period, but failed to provide any certificates of completion for continuing education completed during the requested period of June 1, 2009 - May 31, 2011. Additionally, Respondent included some certificates which failed to state that the classes were approved/accredited as continuing education for nurses.

5. On or about April 4, 2013, Respondent completed an online biennial license renewal application which asked "Will you have completed the required continuing education credits by May 31, 2013," referring to the thirty hours of continuing education required during the June 1, 2011 - May 31, 2013 biennial renewal period. Respondent answered "yes" and certified that answer to be true by submitting the online application.

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).

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the required continuing education credits for the June 1, 2009 - May 31, 2011 biennial renewal period. Respondent's failure to complete 30 hours of continuing education during the June 1, 2009 - May 31, 2011 biennial period constitutes a violation of N.J.A.C. 13:37-5.3, 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 in the intendment of N.J.S.A. 45:1-21(h). Further, the Board finds that Respondent's submission of her 2011

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, constitutes the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b). See also N.J.A.C. 13:37-5.3.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on September 12, 2013, provisionally suspending respondent's nursing license, and imposing a reprimand and a \$250.00 civil penalty. 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.

Ms. Sprague responded to the Provisional Order, furnishing documentation of having completed sufficient continuing education to satisfy both the 2009-2011 and 2011-2013 continuing

education requirements. Accordingly, the Board determined that suspension of Ms. Sprague's nursing license is no longer applicable. However, the Board further determined that as respondent had not documented completion of any contact hours of continuing education during the 2009-2011 renewal period, imposition of the reprimand for misrepresentation on her 2011 renewal application and a \$250.00 civil penalty for failure to timely complete continuing education for the 2009-2011 renewal period was appropriate.

ACCORDINGLY, IT IS on this 19th day of February, 2014,
ORDERED that:

1. Continuing education completed after May 31, 2013 and applied to cure any deficiency of previous biennial periods shall not be used to satisfy the requirements of the current biennial period.

2. A civil penalty in the amount of two hundred and fifty dollars (\$250) is hereby imposed upon Respondent for failing to timely complete her continuing education requirements. Payment shall be made by certified check or money order payable to "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 is hereby reprimanded for her violation of N.J.S.A. 45:1-21 (b).

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APN

Patricia Murphy, PhD, APN
Board President