



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
PAULA M. NIEVES, L.P.N.	:	
License No. 26NP05617900	:	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. Paula M. Nieves ("Respondent") is licensed as a licensed practical nurse in the State of New Jersey and has been a licensee at all relevant times.

2. On or about June 8, 2012, Respondent completed her biennial license renewal online for the period of June 1, 2012 - May 31, 2014. The online renewal contains a question which asks

"Will you have completed the required continuing education credits by May 31, 2012?" Respondent answered "yes" and certified that answer to be true by submitting the online application.

3. On or about January 29, 2013, the Board received a flagging notice indicating that Respondent was arrested on January 29, 2013 by the Middletown Police Department for violating N.J.S.A. 2C:33-4 (Harassment) and N.J.S.A. 2C:29A(1) (Resisting Arrest).

4. On or about February 18, 2013, the Board sent Respondent a letter requesting information regarding her arrest, her nursing employment, and her continuing education.

5. Respondent replied to the Board by indicating that she was found guilty of a downgraded charge of municipal noise ordinance violation and assessed five hundred and thirty nine dollars (\$539) in fines and costs. Respondent failed to provide any information about her nursing employment or her continuing education.

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 renewal 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 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 any hours of continuing education during the three years prior to the Board's request, which includes the June 1, 2010 - May 31, 2012 biennial renewal period. The Board therefore finds Respondent in 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 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, 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 5,

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.

Respondent replied to the Provisional Order and provided documentation of 31.5 contact hours of continuing education completed in satisfaction of the 2010-2012 renewal period requirements. All of the certificates of completion indicated that they were completed in 2013 and in January of 2014. The Board considered this matter, and determined that suspension was no longer appropriate, as respondent had belatedly satisfied the 2010-2012 continuing education requirements. However, the Board determined that as respondent could not demonstrate timely completion of continuing education requirements, the Provisional

Order should be finalized, imposing the reprimand and the monetary penalty.

ACCORDINGLY, IT IS on this 20th day of March, 2014,
ORDERED that:

1. A civil penalty in the amount of two hundred 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 any Final Order of Discipline in this matter. 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.

2. Respondent is hereby reprimanded for her violations of N.J.S.A. 45:1-21 (b).

3. No continuing education dated 2013, and only 1.5 contact hours of continuing education dating from January of

2014, may be utilized towards satisfying upcoming continuing education requirements for the 2012-2014 renewal period.

NEW JERSEY STATE BOARD OF NURSING

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