



3. On or about May 9, 2013, the Board sent Respondent a letter to her address of record in Red Bank, New Jersey, via regular and certified mail, seeking information about her nursing employment, continuing education, and an August 12, 2012 incident of alleged professional misconduct at Monmouth Care Center. The letter reminded respondent of her statutory and regulatory duty to cooperate with a Board investigation.

4. Respondent replied to the Board's request for information and provided proof of having completed 48.25 hours of continuing education during the June 1, 2011 – May 31, 2013 biennial period. Thirty of the hours were the same continuing education credits that Respondent had previously submitted to the Board in April of 2012 and were used to cure the deficiency from the previous biennial renewal period, thereby leaving 18.25 hours to be applied to the June 1, 2011 – May 31, 2013 biennial period.

5. On or about July 10, 2013, Respondent was subpoenaed by the Board to appear before a committee of the Board for an investigative inquiry on August 6, 2013. The subpoena was sent via regular and certified mail. The regular mail was not returned and the certified mail was signed for and delivered by the United States Postal Service. Respondent failed to appear.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to a subpoena and appear before a committee of the Board at the investigative inquiry on August 6, 2013, constitutes a failure to cooperate with a Board investigation, in violation 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 also subjects respondent to disciplinary action pursuant to N.J.S.A. 45:1-21 (h).

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 nurse is required to maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit documentation to the Board upon request.

N.J.A.C. 13:37-5.3(f).

Respondent failed to timely complete her continuing education obligation for the June 1, 2009 through May 31, 2011 biennial renewal cycle which constitutes a violation of N.J.A.C. 13:37-5.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(h). Respondent cured that deficiency, but attempted to use the same hours to satisfy the requirements of more than one biennial renewal period. Respondent submitted 48.25 hours when 60 hours were required – 30 to cure the deficiency of the June 1, 2009 - May 31, 2011 biennial period and 30 for the June 1, 2011 – May 31, 2013 biennial period. Respondent failed to demonstrate completion of 11.75 hours of continuing education. 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 the intendment of N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on January 7, 2014, provisionally suspending respondent's nursing license, and imposing a \$500 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 30<sup>th</sup> 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 having completed 30 hours of continuing education in January of 2014, thus curing the deficiency of June 1, 2011-May31, 2013 biennial renewal period. The Board also scheduled a second investigative inquiry for April 9 2014, at which respondent appeared and responded to questions under oath. The Board therefore determined that suspension was no longer applicable, as respondent had cooperated with the Board's investigation, and mitigated her initial failure to appear in response to the subpoena. However, the Board further determined that in light of respondent's initial failure to appear in response to the subpoena, imposition of the civil penalty was appropriate.

**ACCORDINGLY,**

IT IS on this 25<sup>th</sup> day of April, 2014,

**ORDERED that:**

1. The 11.75 hours of continuing education completed after May 31, 2013 and used to cure the deficiency of the previous biennial period shall not be used to satisfy the requirements of the current biennial period, i.e., June 1, 2013 to May 31, 2015. Respondent shall complete a total of 30 hours of continuing education prior to May 31, 2015.

2. A five hundred dollar (\$500) civil penalty is hereby imposed upon Respondent for failing to cooperate with a Board investigation in contravention of

N.J.A.C. 13:45C-1.2. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and shall be forwarded to the attention of George Hebert, R.N., Executive Director, Board of Nursing, P.O. Box 45010, 124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07101, within fifteen (15) days of the issuance of any Final Order of Discipline in this matter.

NEW JERSEY STATE BOARD OF NURSING

By:

*Patricia Ann Murphy PhD APN*

Patricia Ann Murphy, PhD, APN  
Board President