

**FILED**

MAY 29 2014

N.J. BOARD OF NURSING

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

IN THE MATTER OF THE  
LICENSE OF

QUINDARA BURNS, LPN  
License # 26NP06607200

TO PRACTICE NURSING IN THE  
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER  
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. Respondent is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about May 22, 2013, respondent was asked to provide information about an arrest on May 9, 2013 for shoplifting, as well as documentation of continuing education courses completed in the last three years. The request was sent by certified and regular mail to respondent's address of record. The certified mailing was returned, unclaimed. The regular mailing was not returned. No response was received.
3. On or about September 2, 2013, the same inquiry was sent by certified and regular mail to a new address of record respondent had posted with the Board. The certified mailing was delivered on September 6, 2013. The regular mailing was not returned. No response was received.

4. Respondent indicated on her 2013 renewal application that she would have completed all continuing education requirements for the June 1, 2011 – May 31, 2013 renewal period by May 31, 2013.

5. A flagging notice indicates that respondent was convicted of shoplifting on May 10, 2013, sentenced to one day confinement, ten days jail time credit, and a total of (eight hundred and eighty dollars (\$880) in fines/assessments.

#### CONCLUSIONS OF LAW

1. Respondent's failure to respond to a Board inquiry constitutes failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2 and 1.3, subjecting her to sanctions pursuant to N.J.S.A. 45:1-21(e).

2. The conduct underlying respondent's conviction for shoplifting relates adversely to nursing, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(f).

3. Respondent's failure to document timely completion of continuing education requirements for the June 1, 2011 – May 31, 2013 renewal period 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(e) and (h).

4. Respondent's indication on her 2013 renewal application that she would have timely completed all required continuing education constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and a five hundred dollar (\$500) civil

penalty was entered on December 23, 2013. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by 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 responded to the Provisional Order of Discipline and provided a copy of the police department officer report, disposition document indicating that Respondent was found guilty of taking merchandise from a store without intent to pay, three certificates of completion for 34 hours of continuing education awarded to "Quindara Brooks, LPN" with a typographically different LPN license number, and an unsigned letter to the Board. Respondent maintained that when she was arrested, it was for five outstanding traffic warrants, in addition to the shoplifting charge. She maintains that she did not realize that the item on the bottom of her cart in Walmart did not get scanned and pled guilty to the shoplifting charge along with the traffic violations because she had already been incarcerated for five days and wanted to accept a plea deal and go home. She indicated that she has made one payment towards her assessed fines and costs, but that she is unemployed and has no income. Regarding her continuing education, she maintains that she misplaced her papers so she re-did the classes.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised.

The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent provided the information originally requested and cured the deficiency in her continuing education, the Board determined that suspension was no longer warranted on those bases, but was warranted on the basis of the conviction. The Board further determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a five hundred dollar (\$500) civil penalty. Regarding continuing education, Respondent was unable to demonstrate, to the satisfaction of the Board, that she had completed thirty hours of continuing education during the June 1, 2011 – May 31, 2013 biennial period. As such, the Board determined that a two hundred and fifty dollar (\$250) civil penalty was warranted for failing to timely complete continuing education and a reprimand was warranted for certifying on her renewal application that she had timely completed all the required continuing education when she is unable to demonstrate that she did so.

ACCORDINGLY, IT IS on this 29<sup>th</sup> day of May, 2014,

ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended for a minimum period of one year for violation of N.J.S.A. 45:1-21(f).
2. A public reprimand is hereby imposed for respondent's violation of N.J.S.A. 45:1-21(b).
3. A civil penalty in the amount of five hundred dollars (\$500) is hereby imposed for respondent's failure to timely respond to the Board's inquiry, as well as a

civil penalty of two hundred and fifty dollars (\$250), for violation of N.J.A.C. 13:37-5.3, for a total penalty amount of seven hundred and fifty dollars (\$750). 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 date of filing 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.

NEW JERSEY STATE BOARD OF NURSING

By:

*Patricia Murphy Ph.D. APN*

---

Patricia Ann Murphy, PhD, APN  
Board President