

3. The receipt of the certified mailing of the letter of inquiry was signed upon delivery. The regular mailing was not returned. No response was received.

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

CONCLUSIONS OF LAW

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

Respondent's failure to supply documentation of required continuing education for the June 1, 2011 – May 31, 2013 renewal period is interpreted as a failure to complete required continuing education in 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).

Respondent's indication on her renewal application that she would have completed required continuing education for the 2011-2013 renewal period by May 31, 2013 constitutes misrepresentation within the intendment 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 civil penalties was entered on February 28, 2014. 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's attorney responded to the Provisional Order of Discipline by providing a brief letter which stated that respondent pled not guilty in the criminal matter. Respondent also provided evidence of completing two hours of continuing education within the June 1, 2009 – May 31, 2011 biennial period, zero hours of continuing education within the June 1, 2011 – May 31, 2013 biennial period, and 30.3 hours of continuing education within the June 1, 2013 – May 31, 2015 biennial period.

The Board requested -- and respondent has failed to provide -- the following information and documentation: police report with all supporting statements; municipal court complaint; indictment or accusation; update on the criminal case; plea agreement; disposition; sentencing documents; proof of compliance with or completion of probation and payment of fines; current nursing employer with job title, dates of employment, shift, type of unit worked, most recent performance evaluation, and respondent's narrative providing her version of the events and conduct which led to her arrest.

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. Respondent failed to fully respond to the Board's letter of inquiry and has left the majority of questions unanswered. As such, the Board determined that respondent has failed to cooperate with the Board's investigation and that suspension and imposition of

a five hundred dollar (\$500) civil penalty is warranted.

As for continuing education, nurses are required to complete thirty hours of continuing education each biennial period pursuant to N.J.A.C. 13:37-5.3. Respondent failed to demonstrate, to the satisfaction of the Board, that she completed any continuing education during the June 1, 2011 – May 31, 2013 biennial period. Respondent may cure that deficiency by applying the 30.3 hours of continuing education completed in March 2014 as make-up courses. As such, the Board finds that suspension based upon continuing education is not warranted. Those 30.3 hours of courses shall cure the deficiency of the June 1, 2011 – May 31, 2013 biennial period, but shall not count towards the June 1, 2013 – May 31, 2015 biennial period. Based on respondent's failure to demonstrate that she completed any continuing education during the June 1, 2011 – May 31, 2013 biennial period, the Board finds that respondent engaged in misrepresentation on her 2013 license renewal when she answered that she had completed all the required continuing education. For that, a reprimand is warranted.

Lastly, the allegations surrounding respondent's December 2, 2013 arrest – that respondent stole hundreds of narcotic (controlled dangerous substance) pills from her place of nursing employment – provides sufficient basis upon which to order, as a condition for continued, reinstated, or renewed licensure, respondent to submit to testing, monitoring, and evaluation which may be required to evaluate whether continued practice may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f).

ACCORDINGLY, IT IS on this 5th day of June, 2014,

ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended until she has fully responded to the Board's request for information, and until she can demonstrate that she is fit and competent to practice nursing. Respondent's nursing license shall not be reinstated until she has undergone a comprehensive mental health and substance abuse evaluation, including monitoring, under the auspices of the Recovery and Monitoring Program of New Jersey (RAMP) and until RAMP indicates that respondent is fit and competent to practice.

2. A public reprimand is hereby imposed upon respondent for the 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 the violation of N.J.A.C. 13:45C-1.2 and 1.3, as well as a civil penalty in the amount of two hundred and fifty dollars (\$250) for failure to timely complete required continuing education in 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.

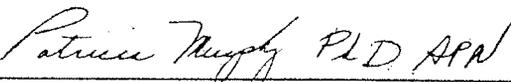
4. Continuing education hours completed after May 31, 2013 and applied to cure the deficiency of any previous biennial period shall not be used to satisfy the

requirements of the current biennial period. Respondent shall complete an additional 30 hours of continuing education prior to May 31, 2015 to satisfy the requirements of the June 1, 2013 – May 31, 2015 biennial period.

5. The Board reserves the right to impose additional discipline based upon the disposition of the criminal matter, the results of the RAMP evaluation, and upon review of any information that respondent provides.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Ann Murphy, PhD, APN
Board President