

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 biennial period by May 31, 2013.

CONCLUSIONS OF LAW

Respondent's failure to respond to the inquiry on behalf of the Board 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 2011-2013 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 June 1, 2011 – May 31, 2013 biennial period by May 31, 2013 constitutes misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on February 28, 2014 seeking a seven hundred and fifty dollar civil penalty, a reprimand, and a suspension until Respondent provided a response to the Board's letter of inquiry and demonstrated completion of required continuing education. 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 replied to the Provisional Order of Discipline by providing a full response to the Board's letter of inquiry, including proof of timely completion of 32.42 hours of continuing education within the June 1, 2011 – May 31, 2013 biennial period. Regarding the criminal charges, Respondent provided documentation that the charges had been downgraded and that they had stemmed from a domestic dispute involving her husband, whom she is divorcing.

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 provided proof of timely completion of required continuing education, the Board determined that suspension was no longer warranted. Likewise, the Board determined that the two hundred and fifty dollar (\$250) civil penalty for failure to timely complete continuing education was not warranted, nor was the reprimand for falsely claiming timely completion of continuing education. However, the Board 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.

ACCORDINGLY, IT IS on this 26th day of Aug., 2014,
ORDERED that:

1. 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. 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 Ann Murphy, PhD, APRN
Patricia Ann Murphy, PhD, APRN
Board President