

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

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
 :
FRANCIS CARLTON BURFORD, LPN : ADMINISTRATIVE ACTION
License No. 26NP04570300 :
 :
 : 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. Francis Carlton Burford ("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 08, 2012, Respondent completed and submitted an online biennial renewal for the period of June 1, 2012 to May 31, 2014.

3. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2012," referring to the biennial renewal period of June 1, 2010 to May 31, 2012. Respondent answered "Yes" and certified that answer by submitting the online application.

4. Upon receipt of a flagging notice indicating that Respondent was arrested on October 10, 2013 by the Belmar Police Department for violation of N.J.S.A. 2C:29-2A(3)(B) (Eluding Officer with Substantial Risk or Personal Injury) and N.J.S.A. 2C:29-2A(1) (Resisting Arrest), the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Bordentown, New Jersey, via regular and certified mail on or about October 18, 2013. The regular mailing was not returned; the certified mailing was unclaimed and returned.

5. To date, Respondent has not responded to the Board's request for information.

6. As of May 31, 2014, Respondent's license was due for renewal, along with the requisite completion of continuing education for the June 1, 2012 - May 31, 2014 biennial period. Respondent allowed his license to expire as of May 31, 2014.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to 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), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2010 to May 31, 2012. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying his continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 15, 2014 seeking a suspension, reprimand, and seven hundred and fifty dollar (\$750) civil penalty. A copy was of the Provisional Order was forwarded to Respondent's last known address of record by means of both regular and certified mail. The regular mail was not returned. The certified mail was returned as "unclaimed." 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 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.

Although the record reflects that the Provisional Order was

served upon Respondent, no response has been received to date. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and that the Provisional Order should be made final. Respondent cannot evade discipline by failing to respond.

ACCORDINGLY, IT IS on this 6th day of October, 2014,

ORDERED that:

1. Respondent's license to practice nursing is hereby suspended until such time as Respondent cooperates fully with the Board's investigation by providing the Board with the information requested in the Board's letter of inquiry and proof of completion of thirty hours of continuing education for each biennial renewal period from June 1, 2010 to the time of reinstatement. Continuing education hours taken currently and applied to cure the deficiency from a previous biennial period shall not be used to satisfy the requirements of the current biennial period.

2. A reprimand is hereby imposed on Respondent for falsifying the continuing education information on his license renewal application.

3. Respondent is hereby assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount

of five hundred dollars (\$500) for failure to cooperate with a Board investigation and a penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment, delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (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.

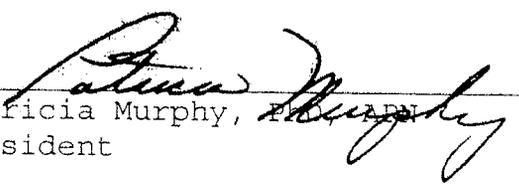
4. Respondent shall refrain from practicing as a nurse and shall not represent himself as a Licensed Practical Nurse until such time as his license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

5. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent

ultimately provides in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, ~~PhD~~ RN
President