

4. On Respondent's 2012 renewal application, Respondent indicated that she would have completed all required continuing education for the June 1, 2010 – May 31, 2012 renewal period by May 31, 2012.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's inquiry constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2 and 1.3.

Respondent's failure to provide documentation of continuing education in response to the Board's inquiry is interpreted as a failure to timely complete continuing education requirements for the June 1, 2010 – May 31, 2012 biennial period, in violation of N.J.A.C. 13:37-5.3.

Respondent's indication on her 2012 renewal application that she would complete all required continuing education for the June 1, 2010 – May 31, 2012 biennial period by May 31, 2012 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 seven hundred and fifty dollars (\$750) in civil penalties was filed on July 7, 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 initially replied to the Provisional Order of Discipline by providing a print out from the NJ Automated Complaint System and a copy of the disposition showing that the Millville Municipal Court dismissed the case on November 12, 2013. After hearing a recommendation that her reply was insufficient and did not address several items in the original letter of inquiry, Respondent sent in an additional reply. Respondent explained that the arrest was the result of an argument that she and her "ex" got into regarding their daughter. Respondent provided copies of the police report.

Regarding continuing education, Respondent demonstrated belated completion of the following hours:

0 hours within the June 1, 2010 – May 31, 2012 biennial period;

0 hours within the June 1, 2012 – May 31, 2014 biennial period;

62 hours within the June 1, 2014 – May 31, 2016 biennial period.

Respondent may apply 60 hours out of the 62 hours to cure the deficiencies of the previous two biennial periods, leaving her with 2 hours to apply towards the current biennial period. Respondent will have to complete an additional 28 hours of continuing education prior to May 31, 2016 to satisfy the requirements of the current biennial period.

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 ultimately provided the bulk of information requested in the Board's letter of inquiry, and belatedly took 60 hours of classes to cure the deficiencies

of the previous two biennial periods, the Board determined that suspension was no longer warranted. 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. Additionally, Respondent's failure to timely complete the required continuing education during the appropriate time frame warrants imposition of a two hundred and fifty dollar (\$250) civil penalty, as well as a reprimand for Respondent's false answer regarding continuing education on her renewal application.

ACCORDINGLY, IT IS on this 3rd day of November, 2014,

ORDERED that:

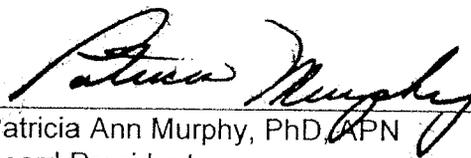
1. A reprimand is hereby imposed for Respondent's violation of N.J.S.A. 45:1-21(b).
2. A five hundred dollar (\$500) civil penalty is hereby imposed for the violation of N.J.A.C. 13:45C-1.2 and 1.3, as well as a two hundred and fifty dollar (\$250) civil penalty for the violation of N.J.A.C. 13:37-5.3, for a total penalty amount of seven hundred and fifty dollars (\$750). Payment shall be made by certified check, 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.

3. Continuing education applied to cure the deficiency of a previous biennial period shall not be used to satisfy the requirements of the current period. Respondent shall complete an additional twenty-eight (28) hours of continuing education prior to May 31, 2016 to satisfy the requirements of the June 1, 2014 – May 31, 2016 period.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APN
Board President