

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

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IN THE MATTER OF THE :  
LICENSE OF :  
:  
TONJA J. FLORES, L.P.N. :  
License # 26NP06126000 :  
:  
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. Tonja J. Flores ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about January 29, 2014, the Board issued a letter asking, among other things, that Respondent provide information and documents relating to an arrest on September 28, 2013 on charges of contempt of court and harassment. The letter also asked for documentation of continuing education completed in the past three years. The letter was sent to Respondent's address of record with the Board. The certified mailing of the letter was delivered on February 4, 2014. The regular mailing was not returned. No response was received.

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

### **CONCLUSIONS OF LAW**

Respondent's failure to respond to the Board's inquiry of January 29, 2014 constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2, -1.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

Respondent's failure to furnish documentation of continuing education is interpreted as a failure to timely complete continuing education requirements for the June 1, 2010 – May 31, 2012 renewal 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 renewal 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 entered 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 replied to the Provisional Order of Discipline by providing evidence that she had mailed a response to the Board's letter of inquiry to the Board via certified mail which was delivered to the Board's address on February 11, 2014. The Board accepts the proof of mailing as valid evidence and acknowledges that Respondent's reply must have been misplaced after being received in the building. As such, that portion of the suspension based upon failure to cooperate, as well as the five hundred dollar (\$500) portion of the civil penalties, are not warranted and are dismissed.

In response to the Provisional Order, Respondent sent another copy of her original reply. Respondent addressed all the issues requested in the letter of inquiry. Respondent maintained that her arrest was the byproduct of a domestic violence situation with her husband and that her husband has a restraining order against her which prevents her from accessing their residence. Regarding continuing education, Respondent maintained that she was unable to retrieve her documentation from the residence due to the restraining order. After the Provisional Order was filed, Respondent completed 30 hours of continuing education in August 2014, which can be applied to cure the deficiency of the June 1, 2010 – May 31, 2012 biennial period, and another 30 hours of continuing education in September 2014, which can be applied to cure the deficiency of the June 1, 2012 – May 31, 2014 biennial period. As these 60 hours of continuing education were applied to cure the deficiencies of previous periods, they shall not be used to satisfy the requirements of the current biennial period of June 1, 2014 – May 31, 2016.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary. The Board was not persuaded that the submitted

materials merited further consideration. The Board determined that suspension was no longer warranted because Respondent had cooperated with the Board's investigation and has cured the deficiency in her continuing education. The Board further determined to dismiss the five hundred dollar (\$500) civil penalty which was based upon failure to cooperate. However, Respondent was unable to demonstrate, to the satisfaction of the Board, that she had completed any continuing education within the last two previous biennial periods. Although Respondent did not have access to her home, duplicate certificates of completion are available by contacting the providers. Respondent failed to produce any documentation of completion of continuing education. As such, the Board determined that the two hundred and fifty dollar (\$250) civil penalty for failing to timely complete continuing education is warranted, as is the reprimand for stating on her renewal application that she had completed continuing education when she did not do so.

ACCORDINGLY, IT IS on this 1<sup>st</sup> day of December, 2014,

**ORDERED that:**

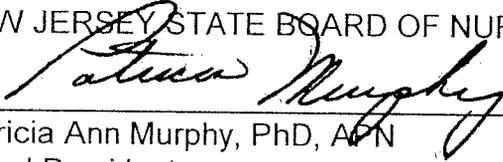
1. A reprimand is hereby imposed for Respondent's violation of N.J.S.A. 45:1-21(b).
2. A two hundred and fifty dollar (\$250) civil penalty is hereby imposed for the violation of N.J.A.C. 13:37-5.3. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New 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 twenty-one (21) 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 completed after May 31, 2014 (the 30 hours completed in August 2014 and the 30 hours completed in September 2014) and applied to cure the deficiency of previous biennial renewal periods shall not be used to satisfy the requirements of the current biennial renewal period of June 1, 2014 – May 31, 2016. Respondent shall complete another 30 hours of continuing education prior to May 31, 2016 to satisfy the requirements of the current biennial period.

NEW JERSEY STATE BOARD OF NURSING

By:

  
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Patricia Ann Murphy, PhD, APN  
Board President