

FILED
DEC 18 2014
N.J. BOARD OF NURSING

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 :
ANNE C. WELLS, RN : ADMINISTRATIVE ACTION
License No.26NO07630600 :
TO PRACTICE NURSING IN THE STATE : FINAL ORDER OF
OF NEW JERSEY : 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. Anne C. Wells ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about April 5, 2013, Respondent completed and submitted an online biennial renewal for the period of June 1, 2013 to May 31, 2015.

3. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial

renewal period of June 1, 2011 to May 31, 2013. 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 November 28, 2013 by the Haddonfield Police Department for N.J.S.A. 2C:12-1B (Aggravated Assault With A Weapon) and N.J.S.A. 2C:39-4D (Possession Of A Weapon Unlawful Purpose), 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 Haddonfield, New Jersey, via regular and certified mail on or about December 3, 2013. The regular mailing was not returned. The United States Postal Service track and confirm system indicates that the certified mailing was delivered in Haddonfield on December 17, 2013.

5. To date, Respondent has not sufficiently responded to the Board's request for information. By a letter dated December 13, 2013, Respondent's attorney, Anthony F. DiMento, Esq., sent a copy of the Haddonfield Municipal Court complaint and a letter from the complainant, Mr. Walter S. Wells, recanting the statement he gave to the Haddonfield Police Department. By a letter dated June 4, 2014, Mr. DiMento stated the charge against Respondent was never pursued and Respondent was never prosecuted. The Board received no further communication from Respondent.

CONCLUSIONS OF LAW

Respondent's failure to fully 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, 2011 to May 31, 2013. 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 her continuing education

information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on October 20, 2014, provisionally suspending respondent's nursing license, imposing a public reprimand, and a total of \$750.00 in civil penalties. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business 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..

Ms. Wells responded to the Provisional Order, via her attorney, who provided documentation of dismissal of the indictment against respondent, and documentation, in the form of certificates of completion, that respondent completed more than 30 contact hours of nursing continuing education, timely completed in the 2011-2013 licensing cycle. The Board considered this matter, and determined that suspension was no longer applicable, as respondent has substantially complied with the Board's request for information and

documentation. The Board further determined that the reprimand for misrepresentation on her 2013 renewal application, and the \$250 civil penalty for failure to timely complete continuing education, are not warranted. However, respondent's attorney never notified the Board of the indictment, nor did he furnish a copy of the indictment to the Board. Although Ms. Wells may have been unaware of this fact, the Board was not able to deal directly with Ms. Wells, since she was represented by an attorney, and thus relied on this attorney to keep the Board updated as to the progression of the criminal case. The Board should not be required to issue a Provisional Order to obtain information and documents from its licensees; nor should the Board be expected to continually telephone or write to licensees or their attorneys for updates, once the Board has requested information about an arrest. The Board therefore determined that the \$500 civil penalty for the initial failure to cooperate with a Board investigation was warranted.

ACCORDINGLY, IT IS on this 18th day of December, 2014,

ORDERED that:

1. Respondent is hereby assessed a civil penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered 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 entry of this order. 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.

2. 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 APN

Patricia Murphy, PhD, APN
President