

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 :
LICENSE OF :
:
MARIAMMA THOMAS, R.N. :
License No. 26NR06711000 :
:
:
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 ("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. Mariamma Thomas ("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 3, 2013, Respondent completed and submitted an online biennial license renewal for the period of June 1, 2013 through May 31, 2015. The online renewal contains a question which asks "will you have completed the required

continuing education credits by May 31, 2013," referring to the biennial renewal period of June 1, 2011 through May 31, 2013. Respondent answered "Yes" to the question and certified that answer to be true by submitting the online application.

3. On or about October 2, 2013, the Board sent Respondent a Demand for Written Statement Under Oath ("Demand") requesting information from Respondent. The Demand requested that Respondent provide answers to ten (10) questions, including a question which asked if she had completed the required continuing education courses, and requested that she provide proof of successful completion of all credits earned within the last three years, including during the renewal period of June 1, 2011 through May 31, 2013.

4. As of July 15, 2014, Respondent had not provided a response to the Board's demand for information.

CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3, a nurse shall complete a minimum of thirty (30) hours of continuing education per biennial period to maintain licensure. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license. N.J.A.C. 13:37-5.3(a). Additionally, a registered professional

nurse or licensed practical nurse shall maintain continuing education compliance documentation for a period of four (4) years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

Respondent failed to demonstrate, to the satisfaction of the Board, completion of the required thirty (30) hours of continuing education for the biennial period of June 1, 2011 through May 31, 2013. In fact, as of the time of the filing of the Provisional Order of Discipline, respondent failed to demonstrate completion of any portion of the thirty (30) hours of continuing education during that time frame. The Board, therefore, found respondent in violation of N.J.A.C. 13:37-5.3(b), which the Board deems professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation or failure to comply with a regulation administered by the Board within the intendment of N.J.S.A. 45:1-21(h).

Furthermore, Respondent's failure to respond to the Board's inquiry and/or failure to furnish the Board with a valid address of record, constitutes a failure to cooperate 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).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 15, 2014, provisionally suspending respondent's nursing license, and imposing a reprimand and a total of \$750 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.

Respondent replied to the Provisional Order on August 27, 2014, and by September of 2014 she had provided documentation of completion of thirty (30) contact hours of nursing continuing education completed during the 2011-2013 licensing cycle. Accordingly, the Board considered these submissions, and determined that the reprimand and the \$250 civil penalty, provisionally imposed for misrepresentation on the 2013 renewal

application, and for failure to timely complete continuing education for the 2011-2013 licensing cycle, were not warranted. However, the remaining material requested was not submitted by her attorney until later November of 2014. The Board determined that suspension of Ms. Thomas's nursing license was no longer warranted, as she had submitted the information requested. However, the Board further determined that the failure to timely respond to the Board's initial inquiry warranted imposition of the \$500 civil penalty provisionally imposed for failure to cooperate. The Board ought not be required to expend time and resources in issuing a Provisional Order, simply to obtain necessary information from its licensees.

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

ORDERED that:

1. A civil penalty in the amount of \$500.00 is hereby imposed upon Respondent for the violation of N.J.A.C. 13:45C-1.2, -1.3. Payment shall be in the form of a certified check or money order, made payable to the "State of New Jersey," and delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be due within twenty-one (21) days following the filing of this order. Should Respondent fail to make 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 Murphy PhD APN
Patricia Murphy, PhD, APN
President