

nursing employment and continuing education. Respondent signed the receipt for delivery of the certified mail.

3. Respondent provided a partial response, faxing the municipal court complaint and a handwritten letter stating that a "No Guilty Plea" was entered on July 10, 2013. She did not provide copies of the police report, any updates, plea agreement, disposition, sentencing, proof of completion of sentencing, a narrative, the name and address of her current employer, shift worked, job title, performance evaluation, or any other information requested, including the continuing education credits (CEs).

4. Respondent was given the opportunity pursuant to the Board's alternative to discipline program, to privately undergo evaluation under the auspices of the Board's designated intervention program, the Recovery and Monitoring Program of the Institute for Nursing ("RAMP"). Respondent failed to avail her self of that opportunity.

5. On or around June 6, 2012, Respondent completed an online biennial license renewal application which asked "Will you have completed the required continuing education credits by May 31, 2012," referring to the thirty hours of continuing education required during the June 1, 2010 - May 31, 2012 biennial period. Respondent answered "Y" (yes) and certified that answer to be true by submitting the online application.

6. On or around June 3, 2014, Respondent completed an online biennial license renewal application which asked "Will you have completed the required continuing education credits by May 31, 2014," referring to the thirty hours of continuing education required during the June 1, 2012 -May 31, 2014 biennial period. Respondent answered "Y" (yes) and certified that answer to be true by submitting the online application.

7. The Board has received no further updates from Respondent pertaining to her criminal charges or her CE credits.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's inquiry 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 within the meaning of N.J.S.A. 45:1-21(e), and also subjects Respondent to disciplinary sanctions pursuant to N.J.S.A. 45:1-21(h).

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

By virtue of having failed to respond to that portion of the inquiry which requested proof of completion of continuing education, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed 30 hours of required continuing education during the June 1, 2010 - May 31, 2012 biennial period or any subsequent biennial periods. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3, 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). Additionally, Respondent engaged in the use or employment of dishonesty, deception or misrepresentation within the intendment of N.J.S.A. 45:1-21(b) by falsely certifying on her renewal application that she had completed the required continuing education when she did not demonstrate that she did so.

Additionally, Respondent's drug-related arrest on June 12, 2013 raises sufficient concern such that testing, monitoring, evaluation and treatment are warranted, as a condition for continued or reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-22(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 3, 2014, provisionally suspending Respondent's nursing license, imposing a reprimand, a imposing as aggregate civil penalty in the total amount of \$750, as well as requiring Respondent to undergo evaluation under the auspices of the Recovery and Monitoring Program of New Jersey (RAMP).. A copy of the Order was served upon respondent and on her attorney. 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. Respondent has made a good faith attempt to provide sufficient information regarding the disposition of the arrest, and regarding her employment. With regard to continuing education, however, she has provided documentation of only thirty contact hours of continuing education, all completed on October 6 and 7 of 2014. The Board considered this response, and determined that as Ms. Plasencia had only provided documentation of continuing education requirements to

be attributed to one licensing period, and thus did not provide documentation sufficient to (belatedly) cover both the June 1, 2010-May 31, 2012, and June 1, 2012-May 31, 2014 licensing cycles, suspension of her nursing license was still warranted. Moreover, as she was able to demonstrate only belated completion of continuing education, the Board found that the findings of violations of N.J.A.C. 13:37-5.3 and N.J.S.A. 45:1-21(b) were appropriate. Finally, although respondent documented participation in some sort of substance abuse evaluation through the courts, this was not sufficient for the Board to properly ascertain whether Ms. Plasencia is fit and competent to practice nursing. The Board therefore determined that the Provisional Order should be finalized to include suspension until Ms. Plasencia was able to demonstrate completion of an additional thirty (30) contact hours of required continuing education; enrollment in RAMP, with RAMP indicating that she is fit and competent to practice; and imposing the reprimand and the total of \$750 in civil penalties (\$500 for the initial failure to cooperate with a Board investigation; and \$250 for belated completion of continuing education).

ACCORDINGLY, IT IS on this 22nd day of December, 2014,

ORDERED that:

1. Respondent's license to practice as a licensed practical nurse in the State of New Jersey is hereby suspended until such

time as she provides proof of completion of an additional thirty (30) contact hours of nursing continuing education.

2. The Board will not entertain an application for reinstatement from Respondent unless and until Respondent can demonstrate that she has enrolled in and is participating in RAMP for evaluation and monitoring. All costs associated with the evaluation, monitoring, and/or treatment shall be the responsibility of, and paid directly by, Respondent.

3. A civil penalty in the aggregate amount of seven hundred and fifty dollars (\$750.00) is hereby imposed upon Respondent for failure to cooperate (\$500.00) and for failing to comply with Board regulation by timely completing continuing education within the appropriate time frame (\$250.00). 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, NJ 07101. Payment shall be made no later than fifteen (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.

4. Upon finalization of this Order, Respondent shall refrain from practicing as a licensed practical nurse in the State of New Jersey and shall not represent herself as a licensed practical

nurse in the State of New Jersey until such time as Respondent's license is reinstated. Any practice in this State prior to reinstatement shall constitute ground for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

Patricia Murphy PhD APRN

By: _____

Patricia Murphy, PhD, APRN
President