

FILED
FFB 10 2015
N.J. BOARD OF NURSING

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

IN THE MATTER OF THE
LICENSE OF

MICHAEL STALLONE, R.N.
License # NO 11517900

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 on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. 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 24, 2014, a letter of inquiry was sent to respondent on behalf of the Board at his address of record by certified and regular mail, asking for, among other things, information about the circumstances that led to his termination by Atlantic Care Regional Medical Center, and documentation of continuing education required for the June 1, 2011-May 31, 2013 renewal period. The certified mailing was signed for. The regular mailing was not returned. No response was received.

3. On or about May 20, 2014, a follow-up letter was sent to respondent at his address of record by certified and regular mail, advising respondent of his duty to respond to investigative demands, and including a copy of the original April 24, 2014 letter of inquiry. The certified mailing was signed for. The regular mailing was not returned. No response has been received to date.

4. On respondent's 2013 renewal application, respondent indicated that he would have timely completed required continuing education for the 2011-2013 renewal period by May 31, 2013.

CONCLUSIONS OF LAW

1. Respondent's failure to respond to a Board inquiry constitutes a failure to cooperate with a Board investigation within the intendment 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).

2. Respondent's failure to document required continuing education for the 2011-2013 renewal period constitutes a violation of N.J.A.C. 13:37-5.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

3. Respondent's indication on his 2013 renewal application that he would have completed required continuing education for the 2011-2013 renewal period by May 31, 2013 constitutes misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on October 27, 2014, provisionally suspending respondent's nursing license, and imposing a reprimand and a total of \$750.00 in civil penalties. A copy of the Order was served upon the respondent by certified and regular mail at his 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.

The record reflects that the certified and regular mailings of the Provisional Order were returned. The certified mailing was marked "unclaimed." The regular mailing indicated a post office box as a forwarding address. A copy of the order was sent by certified and regular mail to this new address, The certified mailing was returned, marked "unclaimed, unable to forward, return to sender." The regular mailing was not returned. The Board considered this matter, and deemed service to have been effected, as the mailings had been sent to respondent's address of record with the Board. Respondent cannot evade process by failing to provide the Board with a valid mailing address. The Board further found that as no discrepancies had been raised with respect to the findings and conclusions of the Provisional Order, additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 10th day of February, 2015,

ORDERED that:

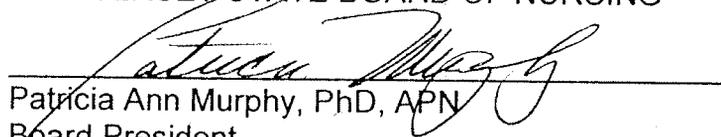
1. Respondent's New Jersey nursing license is hereby suspended until he has fully responded to the Board's request for information, and until he has demonstrated completion of thirty (30) contact hours of continuing education in satisfaction of the 2011-2013 renewal requirements.

2. A public reprimand is hereby imposed upon respondent for the violation of N.J.S.A. 45:1-21(b).

3. A civil penalty in the amount of \$500.00 is hereby imposed for the violation of N.J.A.C. 13:45C-1.2, -1.3, as well as a civil penalty in the amount of \$250.00 for failure to timely complete required continuing education in violation of N.J.A.C. 13:37-5.3, for a total penalty amount of \$750.00. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and forwarded to the attention of George Hebert, R.N., Executive Director, Board of Nursing, P.O. Box 45010, 124 Halsey Street, Newark, NJ 07101, and shall be forwarded within twenty-one (21) days of the filing of this order.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APN
Board President