

Provisional
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N.J. BOARD OF NURSING

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FINAL
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N.J. BOARD OF NURSING

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

IN THE MATTER OF THE LICENSE OF : Administrative Action
:
:
: PROVISIONAL ORDER
: OF DISCIPLINE
:
: FINAL ORDER
: OF DISCIPLINE
: (Finalized by default
: on February 20, 2015
TO PRACTICE NURSING IN THE :
STATE OF NEW JERSEY :

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. Jean Rene Desamours ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. On or about April 11, 2013, Respondent completed and submitted an online biennial renewal for the period of June 1, 2013 to May 31, 2015. (Exhibit B).

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. (Exhibit B).

4. On or about September 12, 2013, the Board sent a letter of inquiry requesting certain information and proof of completion of continuing education to Respondent's address of record in Egg Harbor Township, New Jersey, via regular and certified mail. (Exhibit C).

5. Regarding continuing education, Respondent replied that he had taken 4 continuing education courses and attached four certificates. The certificates, however, do not include any notation of contact hours and do not indicate that the courses were approved or accredited as continuing education for nurses. (Exhibit D).

6. After being called and advised that the courses did not count as continuing education, Respondent sent in another reply which included certificates of completion of thirty hours of continuing education completed in October 2013. (Exhibit E).

CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3(b), licensees 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), licensees 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.

Respondent failed to demonstrate, to the satisfaction of the Board, that he completed the required continuing education credits within the biennial renewal period of June 01, 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 his continuing

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

Respondent may apply the 30 hours of continuing education completed in October 2013 to cure the deficiency of the previous biennial period, but those same hours may not be applied to satisfy the requirements of the current biennial period.

ACCORDINGLY, IT IS on this 2nd day of December, 2014, ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in this matter:

1. A reprimand is imposed on Respondent for falsifying the continuing education information on his license renewal application.

2. Respondent is assessed a civil penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. 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 fifteen (15) days after the date of filing of a 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 hours taken currently and applied to cure the deficiency from a previous biennial period shall not be used to satisfy the requirements of the current biennial period. Besides the thirty hours completed in October 2013, Respondent shall complete another thirty (30) hours of continuing education credits prior to May 31, 2015 to satisfy the requirements of the current biennial renewal period of June 01, 2013 to May 31, 2015.

4. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, State Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and

reasons therefor or offered in mitigation of penalty.

5. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered, and

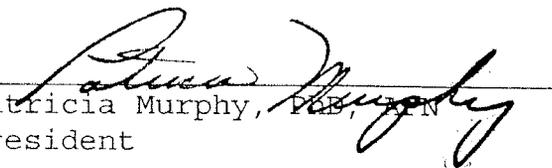
6. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

7. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order

of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, ~~PhD, RN~~
President