

FILED
FEB 23 2015
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 :
 :
DEBBIE B. INNOCENT, LPN : ADMINISTRATIVE ACTION
License No. 26NP06730800 :
 :
 : FINAL ORDER OF
 : DISCIPLINE
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. Debbie B. Innocent ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On or about May 11, 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. The Board received a flagging notice indicating that Respondent was arrested on June 6, 2013 by the Fairfield Police Department for violation of N.J.S.A. 2C:34-1(b)(2) (Promoting Prostitution) and N.J.S.A. 2C:34-1(b)(1) (Engaging In Prostitution).

5. The Board sent a letter of inquiry to Respondent requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Bloomfield, New Jersey, via regular and certified mail on or about June 19, 2013. The regular mailing was not returned. The certified mailing was returned as it was unclaimed.

7. Respondent provided a partial response to the Board's letter of inquiry, which included her narrative statement of the June 6, 2013 arrest, and the certificates of completion of thirty hours of continuing education dated June 26, 2013. Respondent failed to provide a full response to the letter of

inquiry to include copies of: municipal court complaint, disposition, accusation, indictment, plea documents, sentencing, proof of payment of fines, proof of completion of probation or sentencing, and the police report with all supporting statements. Respondent failed to provide any documentation of her continuing education completed timely during the biennial period of June 1, 2011 to May 31, 2013.

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 shall 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 shall also 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 completed thirty hours of continuing education for the biennial period of June 1, 2011 to May 31, 2013, on June

26, 2013. Continuing education hours taken belatedly may be applied to cure the deficiency from the previous biennial period. However, Respondent failed to demonstrate, to the satisfaction of the Board, that she timely completed the continuing education credits 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 31, 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 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. Innocent replied to the Provisional Order, and furnished documentation relating to the June 6, 2013 arrest. The Board considered this matter, and determined that suspension of respondent's nursing license for failure to cooperate was no longer applicable, in that Ms. Innocent had substantially complied with the Board's earlier request for information. However, the Board noted that no discrepancies had been raised with respect to the findings in the Provisional Order relating to misrepresentation on respondent's 2013 renewal application, and with respect to respondent's failure to timely complete continuing education for the 2011-2013 licensing cycle. Moreover, the Board further determined that a monetary penalty for respondent's initial failure to fully respond to a Board inquiry was still warranted, as the Board should not be required to file an order when it seeks to obtain information from a licensee. Accordingly, the Board determined that finalization of the Provisional Order, imposing the reprimand and the \$750 in civil penalties was appropriate.

ACCORDINGLY, IT IS on this 23rd day of February, 2015,

ORDERED that:

1. A civil penalty in the total amount of seven hundred fifty dollars (\$750) is hereby imposed upon Respondent, which includes a penalty in the amount of five hundred dollars (\$500) for failure to fully cooperate with a Board investigation and a 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 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 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.

2. Respondent is hereby reprimanded for her violation of N.J.S.A. 45:1-21(b) by providing a false answer on her renewal regarding her timely completion of continuing education.

3. 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