

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

IN THE MATTER OF THE :
LICENSE OF :
:
SHAMIRA N. BROWN, L.P.N. :
License # 26NP06858300 :
:
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 upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Shamira N. Brown ("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 August 14, 2014, a letter of inquiry was sent to Respondent on behalf of the Board, asking for information concerning an arrest on August 2, 2014 on charges of possession of a controlled dangerous substance or analog. The letter also asked for documentation of nursing continuing education courses completed in the last three years.

3. The letter was sent to Respondent at her address of record by certified and regular mail. The receipt of the certified mailing was signed upon delivery. The regular mailing was not returned. No response was received.

4. On Respondent's renewal application of May 29, 2014, she indicated that all required nursing continuing education for the June 1, 2012 – May 31, 2014 licensing cycle would be completed by May 31, 2014.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's inquiry or to provide the Board with a valid mailing address constitutes a violation of N.J.A.C. 13:45C-1.2 and 1.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's failure to provide documentation of completion of nursing continuing education requirements for the June 1, 2012 – May 31, 2014 licensing cycle indicates a failure to timely complete continuing education in 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).

Respondent's indication on her 2014 renewal application that she would have completed all required continuing education for the June 1, 2012 – May 31, 2014 licensing cycle by May 31, 2014 constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

Respondent's arrest on charges of possession of a controlled dangerous substance authorizes the Board, as a condition for continued licensure, to order respondent to submit to evaluation and monitoring to ascertain whether Respondent's continued practice may jeopardize the public safety and welfare, pursuant to N.J.S.A. 45:1-22(f).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, seven hundred and fifty dollar (\$750) civil penalty, and a comprehensive mental health and substance abuse evaluation under the auspices of the Recovery and Monitoring Program (RAMP) was entered on January 30, 2015. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by 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 of Discipline through counsel. Respondent did not address her failure to respond to the Board's original letter of inquiry, but provided a municipal court complaint and notification of a downgraded charge of Failing to Give Controlled Dangerous Substance to Police. Respondent maintains that she was given a one year supervisory treatment and that if she completes the period of supervisory treatment, the charges will be dismissed. Respondent is still under supervisory treatment.

Regarding continuing education, Respondent provided certificates of completion of the following:

0 hours within the June 1, 2012 – May 31, 2014 biennial period;

30 hours within the June 1, 2014 – May 31, 2016 biennial period.

Respondent can apply the 30 hours completed after receiving the Provisional Order (in

February 2015) to cure the deficiency of the previous biennial period, but cannot also use those same 30 hours to satisfy the requirements of the current biennial period.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent provided the information originally requested and cured the deficiency in her continuing education, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a five hundred dollar (\$500) civil penalty. Additionally, Respondent failed to demonstrate, to the satisfaction of the Board, that she had completed any continuing education within the June 1, 2012 – May 31, 2014 biennial period. As such, a two hundred and fifty dollar (\$250) civil penalty is warranted, as is a reprimand for Respondent's corresponding false answer on her renewal application when she certified that she had completed the required continuing education when she had not done so.

Lastly, Respondent's drug-related arrest, which occurred after Respondent was driving the wrong way on a street with Percocet pills in her shirt pocket, raises sufficient concern to warrant a comprehensive mental health and substance abuse evaluation, including testing and monitoring, under the auspices of the Board's designated intervention program, RAMP.

ACCORDINGLY, IT IS on this

15th

day of

May

, 2015,

ORDERED that:

1. A public reprimand is hereby imposed upon Respondent for the violation of N.J.S.A. 45:1-21(b).
2. A five hundred dollar (\$500) civil penalty is hereby imposed for the violation of N.J.A.C. 13:45C-1.2 and 1.3, and a two hundred and fifty dollar (\$250) civil penalty is hereby imposed for the violation of N.J.A.C. 13:37-5.3 for a total penalty amount of seven hundred and fifty dollars (\$750). 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 twenty-one (21) days after the date of filing of this 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. Respondent shall enroll in and begin participation with RAMP to undergo a comprehensive mental health and substance abuse evaluation, including testing and monitoring, within 30 days of filing of this Final Order of Discipline. Respondent shall contact RAMP (1-609-883-5335). Failure to undergo evaluation will be considered a violation of this Board Order and may result in further disciplinary action, including suspension of license.

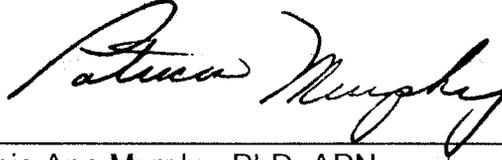
4. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

5. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

6. Continuing education hours completed after May 31, 2014 and applied to cure the deficiency of the previous biennial period (those 30 hours completed in February 2015) shall not also be used to satisfy the requirements of the current biennial period. Respondent shall complete an additional 30 hours of continuing education prior to May 31, 2016 to satisfy the requirements of the June 1, 2014 – May 31, 2016 biennial period.

7. The Board reserves the right to take disciplinary action should the information provided, or subsequent information obtained by the Board, indicate that such action is warranted.

NEW JERSEY STATE BOARD OF NURSING



By: _____

Patricia Ann Murphy, PhD, APN
Board President