

*Provisional Order*

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**FILED**  
MAR 18 2015  
N.J. BOARD OF NURSING  
~~FINAL~~  
**ORDER OF DISCIPLINE**  
**FILED**  
MAY 21 2015  
N.J. BOARD OF NURSING

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

IN THE MATTER OF THE LICENSE OF : Administrative Action  
:   
:   
:  PROVISIONAL ORDER  
: OF DISCIPLINE  
:   
:  FINAL ORDER  
: OF DISCIPLINE  
: (Finalized by default  
: on May 21, 2015)  
:   
TO PRACTICE NURSING IN THE :  
STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Nursing ("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. 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 September 6, 2014, a letter of inquiry was sent to respondent on behalf of the Board, asking for information and documentation concerning an arrest on August 11, 2014 on charges of eluding, and also asking for documentation of nursing continuing education completed in the last three years. (Exhibit A) The letter was sent to respondent's address of record by certified and regular mail. The certified mailing of the letter of inquiry was returned, unclaimed. (Exhibit A) The regular mailing was not returned. No response has been received to date.

3. Respondent indicated on her 2013 renewal application that she would have timely completed all required nursing continuing education for the 2011-2013 licensing cycle by May 31, 2013. (Exhibit B)

#### CONCLUSIONS OF LAW

1. Respondent's failure to respond to a Board inquiry and/or failure to provide the Board with a valid address of record constitutes a failure to cooperate 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) and (h).

2. Respondent's failure to provide documentation of required nursing continuing education for the 2011-2013 licensing cycle is deemed to constitute 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 the 2013 renewal application that she would have completed all required nursing continuing education for the 2011-2013 licensing cycle by May 31, 2013 is deemed to constitute misrepresentation in violation of N.J.S.A. 45:1-21(b).

ACCORDINGLY, IT IS on this 18<sup>th</sup> day of March, 2015, ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in this matter:

1. Respondent's New Jersey nursing license is hereby suspended until she has fully responded to the Board's inquiry and provided documentation, in the form of certificates of completion, of having completed a minimum of thirty (30) contact hours of nursing continuing education to be attributed to the 2011-2013 licensing cycle.

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

3. A civil penalty in the amount of \$500 is hereby imposed upon respondent 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 for the violation of N.J.A.C. 13:37-5.3, for a total penalty amount of \$750. Payment shall be in the form of a certified check or

money order, made payable to the State of New Jersey, and shall be sent to the attention of George Hebert, Executive Director, Board of Nursing, P.O. Box 45010, 124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07101, within twenty one (21) days of the filing of the Final Order of Discipline in this matter.

4. Upon finalization of this order, respondent shall refrain from practicing as a nurse and shall not represent herself as a Registered Professional Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

5. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> 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.

6. 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.

7. 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.

8. 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 APN  
Patricia Murphy, PhD, APN  
Board President