



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 |
| ERIN RODABAUGH, R.N.            | : |                       |
| License No. 26NR11605300        | : | FINAL ORDER           |
|                                 | : | OF DISCIPLINE         |
| TO PRACTICE NURSING             | : |                       |
| IN THE STATE OF NEW JERSEY      | : | (CORRECTED ORDER)     |
|                                 | : |                       |

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:

FINDING OF FACT

1. Erin Rodabaugh ("Respondent") is licensed as a registered professional nurse in the State of New Jersey and has been a licensee at all relevant times.

2. The Board received information indicating that Respondent was arrested on January 4, 2013 by the North Brunswick Police Department for one (1) Count 2C:35:10A(1) Possession of Controlled Dangerous Substance or Analog and one (1) Count 2C:36-6 Possess/Distribute Hypodermic Needle. On January 9, 2013, the Board sent Respondent a letter of inquiry via regular and certified mail requesting certain information about the arrest, nursing employment and continuing education.

3. No response was received. The certified mailing was returned as unclaimed, the regular mailing was not returned.

4. On or around May 31, 2012, Respondent completed an online biennial license renewal application which asked "Will you have completed the required continuing education credits by May 31, 2012," referring to the thirty hours of continuing education required during the June 1, 2010 - May 31, 2012 biennial period. Respondent answered "Y" (yes) and certified that answer to be true by submitting the online application.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's inquiry constitutes a failure to cooperate with a Board investigation in contravention of N.J.S.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct within the meaning of 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), a nurse shall complete a minimum of thirty (30) hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license. N.J.A.C. 13:37-5.3(a). Furthermore, a registered professional nurse or licensed practical nurse shall maintain continuing education compliance documentation for a period of four years after completion of the

hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed any continuing education required for the June 1, 2010 - May 31, 2012 biennial renewal period. Respondent's failure to complete thirty (30) hours of continuing education during the June 1, 2010 - May 31, 2012 biennial period constitutes a violation of N.J.A.C. 13:37-5.3, which constitutes a violation or failure to comply with a regulation administered by the Board within the intendment of N.J.S.A. 45:1-21(h).

Further, the Board finds that Respondent's submission of her 2012 renewal, wherein she answered affirmatively that she had completed, or would complete, the required continuing education, when she did not complete the required continuing education, constitutes the use or employment or dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

Additionally, Respondent's drug-related arrest on January 4, 2013, raises sufficient concern such that testing, monitoring, evaluation, and treatment are warranted, as a condition for continued or reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to

N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-22(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 3, 2014 and a copy was forwarded to Respondent at the last known address on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> 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.

No response was received to the Provisional Order. The Provisional Order sent by means of certified mail was returned as "unclaimed", the regular mail was not returned. N.J.A.C. 13:37-5.7 states, "A licensee or certificant shall notify the Board in writing of any changes of address from that registered with the Board and shown on the most recently issued license or certificate . . . Such notice shall be given no later than 30 days following the change of address. Service to the street address registered with the Board shall constitute effective notice pursuant to N.J.A.C. 13:45-3.2." Because the Order was

forwarded to Respondent's address of record, the Board deems service to have been effected. Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 26<sup>th</sup> day of May, 2015,

ORDERED that:

1. Respondent's license to practice as a registered professional nurse is hereby suspended until such time as Respondent has fully responded to the Board's original letter of inquiry, and until she provides proof that she is up-to-date on continuing education to be applied to the June 1, 2010 - May 31, 2012 biennial period. Continuing education completed after May 31, 2012 and applied to cure the deficiency of a previous biennial period shall not be used to satisfy the requirements of the current biennial period. The Board will not entertain an application for reinstatement from Respondent unless or until Respondent completes a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery and Monitoring Program of New Jersey (RAMP), and demonstrates that she is fit and competent to practice nursing, and that RAMP supports her return to practice.

2. Respondent is hereby reprimanded for violating N.J.S.A. 45:1-21(b).

3. A civil penalty in the aggregate amount of \$750 is hereby imposed upon Respondent for violation of N.J.A.C. 13:45C-1.2, -1.3, for failing to comply with Board regulation by timely completing continuing education within the appropriate time frame. Payment shall be made by certified check or money order payable to "State of New Jersey," delivered to George Hebert, Executive Director, State of 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 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.

4. Respondent shall refrain from practicing as a registered professional nurse in the State of New Jersey and shall not represent herself as a registered professional nurse in the State of New Jersey until such time as Respondent's license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

*Patricia Murphy PhD APN*

By: \_\_\_\_\_

Patricia Murphy, PhD, APN  
Board President