



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	:	
	:	
CLAIRE R. GONZALES, RN	:	ADMINISTRATIVE ACTION
License No. 26NR13960700	:	
	:	
	:	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. Claire R. Gonzales ("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 May 9, 2012, Respondent completed and submitted an online biennial renewal for the period of June 1, 2012 to May 31, 2014.

3. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2012," referring to the biennial renewal period of June 1, 2010 to May 31, 2012. Respondent answered "Yes" and certified that answer by submitting the online application.

4. On October 2, 2013, the Board received a flagging notice indicating that Respondent was arrested on October 1, 2013, by the New Milford Police Department for violation of N.J.S.A. 2C:20-3(a) (Theft of Movable Property), N.J.S.A. 2C:21-6(c)(1) (Credit Card theft), and N.J.A.. 2C:5-1 (Criminal Attempt Credit Card Fraud).

5. The Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Kearny, New Jersey, via regular and certified mail on or about October 4, 2013. The regular mailing was not returned. The certified mailing was returned as it was unclaimed.

6. Respondent's counsel partially responded to the Board's letter of inquiry on or about November 26, 2013, by providing a copy of the notice of appearance and the municipal complaints. Counsel maintained that Respondent's criminal case

was still pending, and the office was not in possession of any discovery or police reports due to the early stage of the criminal case. Counsel requested an additional ten days within which to submit the rest of the information.

7. On or about April 23, 2014, Respondent's counsel informed the Board by a fax that Respondent was admitted into the Bergen County Pretrial Intervention Program on March 17, 2014, for a twelve-month term, and sent a copy of the Order of Postponement.

8. On or about May 14, 2014, Respondent completed and submitted an online biennial renewal for the period of June 1, 2014 to May 31, 2016.

9. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 to May 31, 2014. Respondent answered "Yes" and certified that answer by submitting the online application.

10. The Board received no further communication from Respondent. Respondent failed to provide the following information: police report with all supporting statements, information about Respondent's employer at the time of her arrest (employer, job title, dates of employment, shift, type of

unit worked, most recent performance evaluation), a detailed narrative of Respondent's version of the conduct or events which led to her arrest, and proof that she is up-to-date with her continuing education.

#### 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 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), nurses 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.

By virtue of having failed to fully respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial periods of June 1, 2010 to May 31, 2012 and June 1,

2012 to May 31, 2014. 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 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 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.

Respondent replied to the Provisional Order, via her attorney, and provided documentation relating to the October 1, 2013 arrest and documentation of timely completion of required nursing continuing education. The Board accordingly determined that suspension of Respondent's nursing license was no longer applicable, since Respondent substantially complied with the Board's original requires for information. Moreover, as Respondent had timely completed continuing education requirements, the \$250 civil penalty for the violation of N.J.A.C. 13:37-5.3 and the reprimand for misrepresentation were not warranted. However, the Board noted that the \$500 civil penalty for Respondent's initial failure to fully respond to the Board inquiry was still warranted, as the Board ought not to be required to resort to the filing of an order, incurring delay and the unnecessary expenditure of staff resources, when it seeks information from a licensee. Therefore, the Board determined that the Provisional Order should be finalized, imposing only a \$500 civil penalty for failure to cooperate with a Board investigation.

ACCORDINGLY, IT IS on this 12<sup>th</sup> day of June, 2015,

ORDERED that:

1. Respondent is hereby assessed a civil penalty in the amount of five hundred dollars (\$500) for failure to cooperate

with a Board investigation. Payment shall be made by certified check or money order, payable to the State of New Jersey, and delivered to Leslie Burgos-Bonilla, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this order. In the event Respondent fails to make 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. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent may have provided in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

*Patricia Murphy PhD APN*

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

Patricia Murphy, PhD, APN  
President