

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

IN THE MATTER OF THE :
LICENSE OF :
:
VERNA MAE GSELL, L.P.N. :
License # 26NE01219900 :
:
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 on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Verna Mae Gsell ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about August 21, 2014, the Board sent Respondent a letter of inquiry asking for information and documentation concerning an arrest on July 24, 2014 on charges of making terroristic threats. Respondent was also asked for documentation, in the form of certificates of completion, of a nursing continuing education completed in the last three years.

3. Respondent provided a partial response to the Board's inquiry, but did not follow through by providing documentation of the disposition of the arrest or providing

an update as to the status of the arrest; and did not provide documentation of any nursing continuing education.

4. Respondent indicated on her 2013 renewal application that she would have completed all required continuing education for the June 1, 2011 – May 31, 2013 licensing cycle by May 31, 2013.

CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's inquiry 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).

Respondent's failure to demonstrate completion of nursing continuing education requirements for the June 1, 2011 – May 31, 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).

Respondent's indication on her 2013 renewal application that she would complete all required continuing education for the preceding renewal period by May 31, 2013 is deemed to constitute misrepresentation in violation of N.J.S.A. 45:1-21(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and two hundred and fifty dollar (\$250) civil penalty was entered on February 12, 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 by providing the information requested in the Board's original letter of inquiry. Regarding the criminal matter, Respondent indicated that she pled guilty to a down-graded charge. Regarding continuing education, Respondent provided documentation of completing the following continuing education:

0 hours within the June 1, 2011 – May 31, 2013 period;

30 hours within the June 1, 2013 – May 31, 2015 period.

Respondent may apply the 30 hours completed in February 2015 to cure the deficiency of the June 1, 2011 – May 31, 2013 period, but those same hours may not also be used to satisfy the requirements of the June 1, 2013 – May 31, 2015 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 of the previous biennial period, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to timely complete thirty hours of continuing education within the June 1, 2011 – May 31, 2013 biennial period warrants a two hundred and fifty dollar (\$250) civil penalty, as well as a reprimand for her misrepresentation on her renewal application where she certified that

she had completed the required continuing education and was unable to demonstrate, to the satisfaction of the Board, that she had done so.

ACCORDINGLY, IT IS on this 7th **day of** July **, 2015,**

ORDERED that:

1. A reprimand is hereby imposed for respondent's violation of N.J.S.A. 45:1-21(b).

2. A two hundred and fifty dollar (\$250) civil penalty is hereby imposed for the violation of N.J.A.C. 13:37-5.3. 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 State Board of Nursing, Attention: Leslie Burgos, 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.

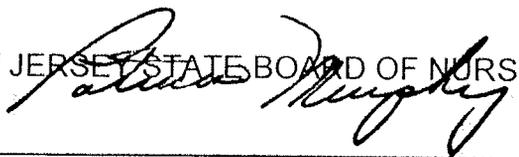
Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Continuing education completed after May 31, 2013 and applied to cure the deficiency of the June 1, 2011 – May 31, 2013 period (the 30 hours completed in February 2015) shall not also be used to satisfy the requirements of the June 1, 2013 – May 31, 2015 period. Respondent shall ensure that she has completed an additional 30 hours of continuing education to satisfy the requirements of the June 1, 2013 – May 31, 2015 period.

4. The Board reserves the right to initiate disciplinary proceedings based upon the information ultimately provided by Respondent regarding her criminal matter and upon any new information received.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Ann Murphy, PhD, APN
Board President