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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
: :
: :
MONA A. MARCHIONE-ATTIA, L.P.N. :
License # 26NP05525600 : **FINAL ORDER**
: :
: :
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. Mona A. Marchione-Attia ("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 May 21, 2013, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial renewal period of June 1, 2011 - May 31, 2013. Respondent answered "yes" and certified that answer by submitting the online application.

3. On or about September 11, 2014, the Board sent a letter of inquiry to Respondent's mailing address in Willingboro, New Jersey, via regular and certified mail, requesting certain documents, including proof of having completed the required continuing education.

4. Respondent provided proof of having completed 12 hours of continuing education within the June 1, 2011 - May 31, 2013 biennial period. Respondent provided copies of other educational materials which did not constitute valid documentation of completion of continuing education as it did not contain the number of contact hours awarded or any indication that the courses were approved or accredited as continuing education for nurses. Much of the documentation pertained to in-service training which was not approved or accredited as continuing education.

5. Respondent permitted her nursing license to lapse when she did not renew by the expiration date of May 31, 2015.

CONCLUSIONS OF LAW

Any professional or occupation license not renewed within thirty days of its expiration date shall be suspended without a hearing pursuant to N.J.S.A. 45:1-7.1(b). As such, Respondent's license was automatically suspended, without a hearing, on July 1, 2015.

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.

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2011 - May 31, 2013. 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.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and a two hundred and fifty dollar (\$250) civil penalty was entered on July 16, 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's legal counsel, Michael S. Rothmel, Esquire, replied to the Provisional Order of Discipline on behalf of the respondent in a correspondence dated August 12, 2015. This submission provided proof of respondent's timely completion of all required continuing education from 2011 to the present.

Additionally, the information provided indicated that respondent was enrolled in a nursing degree program to obtain a higher degree and that she has now obtained licensure, as a registered nurse, in both Pennsylvania and North Carolina. Respondent allowed her New Jersey LPN license to lapse.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that material discrepancies had been raised. Based on the foregoing, the Board voted to withdraw the Provisional Order of Discipline in its entirety.

The Board determined, inasmuch as the Respondent provided proof of her timely completion of the required continuing education for the period of 2011 to the present, that discipline including suspension, reprimand or civil penalty, was no longer warranted. However, the respondent's LPN license will remain administratively suspended due to her failure to renew in May 2015 until such time as she applies for reinstatement.

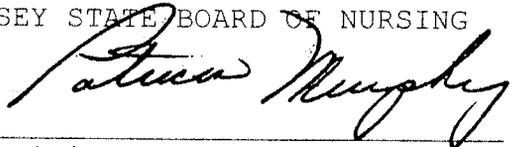
**ACCORDINGLY, IT IS on this 16th day of DECEMBER 2015,
ORDERED as follows:**

1. The Provisional Order of Discipline issued to Respondent Mona A. Marchione-Attia, LPN, is hereby withdrawn in its entirety.

2. Respondent shall refrain from practicing as a practical nurse and shall not represent herself as a Licensed Practical 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.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Murphy, PhD, APN
Board President