



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

IN THE MATTER OF THE	:	
LICENSE OF	:	
	:	Administrative Action
ANA CASTELLON-SIMMONS, R.N.:	:	
License # 26N011501600	:	
	:	FINAL ORDER OF
TO PRACTICE NURSING IN	:	DISCIPLINE
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 had reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Ana Castellon-Simmons ("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 April 5, 2012, Respondent completed and submitted an online biennial license renewal for the period of June 1, 2010 through May 31, 2012. The online renewal contains a question which asks "Will you have completed the

required continuing education credits by May 31, 2012," referring to the biennial renewal period of June 1, 2010 through May 31, 2012. Respondent answered "yes" to the question and certified that answer to be true by submitting the online application.

3. Furthermore, on or about May 19, 2014, Respondent completed and submitted an online biennial license renewal for the period of June 1, 2014 through May 31, 2016. The online renewal contains a question which asks "Will you have completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 through May 31, 2014. Respondent answered "yes" to the question and certified that answer to be true by submitting the online application.

4. On or about May 29, 2013, the Board sent Respondent a Demand for Written Statement Under Oath ("Initial Demand") requesting information from Respondent. The Demand requested that Respondent provide answers to ten (10) questions, including a question which asked if she had completed the required continuing education courses, and requested that she provide proof of successful completion of all credits earned during the renewal period of June 1, 2010 through May 31, 2012.

5. On or about July 17, 2013, the Board sent Respondent a Second Notice for a Demand for Written Statement Under Oath ("Second Demand") requesting information from Respondent. The Second Demand requested that Respondent respond to the Initial Demand and reminded Respondent that cooperation of licensees in investigative demands by the Board is required by N.J.S.A. 45:1-21(e) and N.J.A.C. 13:45C-1.3. The Second Demand also instructed Respondent that a failure to respond to it within ten (10) days constitutes a violation of the aforementioned provisions and provides grounds for license suspension as well as the imposition of costs and penalties.

4. As of July 15, 2014, Respondent had yet to cooperate in providing a response to the Board's Demands for information.

CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3, a nurse shall complete a minimum of thirty (30) hours of continuing education per biennial period to maintain licensure. 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). Additionally, a registered professional nurse or licensed practical nurse shall maintain continuing education compliance

documentation for a period of four (4) 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, completion of the required thirty (30) hours of continuing education for the biennial period of June 1, 2010 through May 31, 2012. In fact, as of the time of this writing, Respondent has failed to demonstrate completion of any portion of the thirty (30) hours of continuing education during that time frame, and Respondent also submitted a renewal application for the next biennial period of June 1, 2014 through May 31, 2016 without demonstrating completion of any portion of the required continuing education units. Thus, Respondent attempted to renew her license for the biennial period June 1, 2014 through May 31, 2016 despite having failed to demonstrate completion of any of the required continuing education units for the biennial periods of June 1, 2010 through May 31, 2012 and June 1, 2012 through May 31, 2014. The Board, therefore, finds Respondent in violation of N.J.A.C. 13:37-5.3(b), which the Board deems professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also 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).

Furthermore, Respondent's failure to respond to the Board's inquiry and/or failure to furnish the Board with a valid address of record, constitutes a failure to cooperate in violation 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).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 15, 2014, provisionally suspending respondent's nursing license and imposing a total of \$750 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 30th 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. She has provided documentation of completion of thirty (30) contact hours of qualifying continuing education completed on May 5,

2014. She also indicated that she took certain medical coding and billing courses in 2011, but did not provide documentation of this. Thus respondent has documented compliance with N.J.A.C. 13:37-5.3 with respect to the 2012-2014 licensing cycle, but not the 2010-2012 cycle. Moreover, no response was provided to the questions posed to respondent concerning the circumstances that led to her termination in 2012 from Eastern Christian Children's Retreat, which was the basis for the Board's original inquiry. Respondent only indicated that she was currently unable to work for health reasons. The Board considered this matter, and determined that respondent's failure to cooperate in violation of N.J.A.C. 13:45C-1.2, -1.3 had not been cured. Moreover, respondent's failure to provide documentation of completion of qualifying continuing education, in violation of N.J.A.C. 13:37-5.3, for the 2010-2012 licensing cycle had also not been remedied. Thus the Board determined that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 19th day of Nov., 2015,

ORDERED that:

1. Respondent's license to practice nursing is hereby suspended until Respondent has fully responded to the Board's inquiry and has documented compliance, even belated

compliance, with N.J.A.C. 13:37-5.3 with respect to the 2010-2012 licensing cycle.

2. A civil penalty in the amount of \$250.00 is hereby imposed upon Respondent for submitting 2012 and 2014 renewal applications, wherein completion of the required continuing education units was indicated without accompanying documentary proof as demanded in violation of N.J.A.C. 13:37-5.3 and N.J.S.A. 45:1-21(b). Furthermore, a civil penalty in the amount of \$500.00 is hereby imposed upon Respondent for the violation of N.J.A.C. 13:45C-1.2, - 1.3, for a total penalty amount of \$750.00. Payment shall be in the form of a certified check or money order, made payable to the "State of New Jersey", and delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be due within twenty-one (21) days following the filing of this order. Should Respondent fail 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.

3. Upon finalization of this Order, Respondent shall refrain from practicing as a nurse and shall not represent herself as a Registered 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

Patricia Murphy PhD APN

By: _____
Patricia Murphy, PhD, APN
Board President