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N.J. BOARD OF NURSING

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  
: :  
: FINAL ORDER  
: OF DISCIPLINE  
: :  
RODALINA BARROSO, L.P.N. :  
License # 26NP05518700 :  
: :  
: :  
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. Rosalina Barroso ("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 16, 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 August 1, 2014, the Board sent a letter of inquiry to Respondent's mailing address in Atlantic City, New Jersey, via regular and certified mail, requesting certain documents, including proof of having completed the required continuing education.

4. Respondent mailed two responses to the board, but both mailings failed to address or mention the issue of continuing education and failed to provide any proof of completion of continuing education.

5. On or about May 18, 2015, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2015," referring to the biennial renewal period of June 1, 2013 - May 31, 2015. Respondent answered "yes" and certified that answer by submitting the online application.

### CONCLUSIONS OF LAW

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.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 15, 2015, provisionally suspending respondent's nursing license and imposing a reprimand and a \$250 civil penalty. 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> 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.

Ms. Barroso responded to the Provisional Order, providing documentation of completion of a total of 91 hours of qualifying continuing education, all of which was completed subsequent to June 1, 2015. Accordingly, as respondent has cured any continuing education deficiency for the 2011-2013 and 2013-2015 licensing cycles, and satisfying any subsequent obligation for the 2015-2017 licensing cycle, should she renew her license in 2017. Therefore, the Board determined that suspension was no longer applicable. However, as respondent's submissions indicate that she did not timely complete her continuing education for the two previous cycles, the Board determined that the reprimand for misrepresentation on her renewal applications and the \$250 civil penalty were warranted. Although Ms. Barroso maintains

that she did timely complete continuing education, but inadvertently misplaced the documentation, the Board notes that continuing education providers generally furnish duplicate certificates in such instances. Were the Board to rely simply on a licensee's bare assertion, without more, it would preclude any meaningful enforcement of the continuing education regulation.

ACCORDINGLY, IT IS on this 19<sup>th</sup> day of November, 2015,

ORDERED that:

1. A reprimand is imposed on Respondent for falsifying the continuing education information on her license renewal application.

2. Respondent is assessed a civil penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. 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 fifteen (15) days after the date of filing of this order. 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.

NEW JERSEY STATE BOARD OF NURSING

By: *Patricia Murphy PhD APN*  
Patricia Murphy, PhD, APN  
Board President