



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

IN THE MATTER OF THE LICENSE OF : Administrative Action
:
:
: **FINAL ORDER**
: **OF DISCIPLINE**
:
SHIRLEY T. ATTEYEH, RN :
License # 26NR11377400 :
:
:
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. Shirley T. Atteyeh ("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 1, 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 to May 31, 2013. Respondent answered "Yes" and certified that answer by submitting the online application.

3. Upon receipt of information indicating that Respondent was arrested on August 18, 2014 by the Hasbrouck Heights Borough Police Department for violation of N.J.S.A. 2C:20-3A (Theft of Movable Property), 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 Cedar Grove, New Jersey, via regular and certified mail on or about December 12, 2014. The regular and certified mailing were both not returned and the certified mailing was delivered on January 20, 2015.

4. Respondent partially responded by providing a copy of the Complaint and Investigation Report from the Hasbrouck Heights Police relating to the August 18, 2014 arrest. The police report alleges that Respondent was providing nursing care at a patient's home, an iPad was missing from the patient's home after Respondent left, and the iPad's GPS signal indicated that the iPad could be found in the immediate vicinity of Respondent's home address. Respondent has not provided any

further update on the status of her criminal case, nor any information about her nursing employment (name and address of current nursing employers, job title, dates of employment, shift, type of unit worked, performance evaluation), nor any documentation of continuing education completed from 2011 to the present.

5. On or about April 1, 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 to May 31, 2015. Respondent was also asked whether she completed the required one hour course on Organ and Tissue Donation. Respondent answered "Yes" to both questions and certified the answers by submitting the online application.

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 period of June 1, 2011 to 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 18, 2015, provisionally suspending respondent's nursing license and imposing a reprimand and 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, and also served upon her attorney, Paul Faugno, Esq. 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, via another attorney, Richard A. West, Esq. She has demonstrated completion of all required continuing education. However, the Board notes that respondent's explanation of the delay in providing a complete response to the Board's initial inquiry - that respondent hoped to provide the Board with a complete response, including the disposition of the arrest - does not provide a sufficient justification for the delay. Respondent's initial response was dated January 5, 2015, and the Board had to issue an order in June of 2015 in order to obtain respondent's employment information, including a performance evaluation, and documentation of continuing education. The Board found that the

monetary penalty for failure to cooperate with a Board investigation was therefore appropriate. The Board determined that the Provisional Order should be finalized, without suspension and without the reprimand and monetary penalty for the allegations related to continuing education, but imposing a \$500 civil penalty for the violation of N.J.A.C. 13:45C-1.2, -1.3.

ACCORDINGLY, IT IS on this 19th day of November, 2015,
ORDERED that:

1. Respondent is 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, 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 Leslie Burgos, Board Staff, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment shall be rejected and shall 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.

2. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent ultimately provides in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

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