



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**  
:   
MARISA DEANNE CAPOBIANCO, R.N. :   
License # 26NO09356400 :   
:   
:   
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. Marisa Deanne Capobianco ("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 9, 2012, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing

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

3. On or about February 10, 2014, the Board sent a letter of inquiry to Respondent's mailing address in Belamar, New Jersey, via regular and certified mail, requesting certain documents, including proof of having completed the required continuing education.

4. In response to the letter of inquiry, Respondent provided documentation of completion of the following continuing education:

38.75 hours within 6/1/08 - 5/31/10;

6 hours within 6/1/10 - 5/31/12; and

50 hours within 6/1/12 - 5/31/14.

5. On or about April 9, 2014, Respondent, completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 - May 31, 2014. 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, 2010 - May 31, 2012. Pursuant to N.J.A.C. 13:37-5.3(c), Respondent may carry over the 8.75 surplus hours from the June 1, 2008 - May 31, 2010 biennial period into the June 1, 2010 - May 31, 2012 biennial period giving her a total of 14.75 hours for the June 1, 2010 - May 31, 2012 biennial period. 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).

As Respondent completed 20 extra hours of continuing education in the June 1, 2012 - May 31, 2014 biennial period, she may apply 15.25 hours to cure the deficiency of the June 1,

2010 - May 31, 2012 biennial period and avoid suspension of her license.

Respondent's use of dishonesty and misrepresentation during the 2012 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 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.

Respondent replied to the Provisional Order, asking for consideration. Respondent maintains that she timely completed the required continuing education but was unable to document all of the continuing education she completed for the 2010-2012

licensing cycle. She asked for leniency, and claimed that she did not engage in dishonesty or misrepresentation on the 2012 renewal application. The Board considered this submission, but determined that without documentation, the findings in the Provisional Order of a violation of N.J.A.C. 13:37-5.3 and N.J.S.A. 45:1-21(b) did not warrant modification.

ACCORDINGLY, IT IS on this 23<sup>rd</sup> day of November, 2015,

ORDERED that:

1. A reprimand is imposed on Respondent for misrepresentation of the continuing education information on her 2012 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