

2. On or about May 13, 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. Upon receipt of information indicating that Respondent had accessed the medical record of a patient, without authorization or necessity to do so, and then posted confidential health information about that patient on social media, the Board of Nursing sent a letter of inquiry requesting certain information and submission of documents regarding the occurrence, Respondent's current nursing practice, and continuing education to Respondent's address of record in Millville, New Jersey, via regular and certified mail on or about June 20, 2013.

4. Respondent replied to the Board's request for information and maintained that she had heard "hearsay" about the patient's confidential health information, but acknowledged that she had access to the patient's records through her employment. Respondent and the patient had a mutual

acquaintance with a third person. Respondent admitted that she sent a private message on Facebook disclosing the patient's confidential health information, but maintained that the only people who knew about the information contained in the message were Respondent, the patient, and the third person.

5. Regarding continuing education, Respondent answered that she had completed the required continuing education courses, but failed to provide any documentation thereof.

6. On or about May 14, 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

The Board finds that Respondent's use of Facebook to message and disclose a patient's confidential health information constitutes professional misconduct and subjects Respondent to discipline pursuant to N.J.S.A. 45:1-21(e). Nurses are expected to safeguard patient information, not disclose it on social media where it may be disseminated to others.

Pursuant to N.J.A.C. 13:37-5.3(b), licensees 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), licensees 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. 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 July 2, 2015, provisionally suspending respondent's nursing license, and

imposing a reprimand, a \$250 civil penalty, and the requirement that respondent complete a Board-approved ethics course. 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, providing documentation of completion of thirty contact hours of qualifying continuing education for the 2011-2013 licensing cycle, and documentation of completion of 48 contact hours of continuing education in July of 2015. Thus respondent did not complete required continuing education for the 2013-2015 licensing cycle by May 31, 2015, as respondent (inaccurately) indicated on the renewal application. The Board therefore found that suspension was no longer applicable, as respondent had

belatedly documented completion of all required continuing education.

Respondent maintained that she timely completed required continuing education for the 2013-2015 licensing cycle, but paid for the courses a month and a half late, which is the reason her documentation dates from July of 2015. The Board notes, however, that the date on the documentation must be determinative: otherwise, regulatory requirements would become unenforceable. The Board therefore finds that a reprimand for misrepresentation on the 2015 renewal application is warranted, and for professional misconduct with respect to respondent's disclosure to a third party of confidential patient information, which respondent admits to. Similarly, the \$250 civil penalty for the violation of N.J.A.C. 13:37-5.3, and the requirement that respondent complete a board-approved ethics course, were also found to be warranted.

ACCORDINGLY, IT IS on this 24th day of November, 2015,

ORDERED:

1. A reprimand is imposed on Respondent for her violations of N.J.S.A. 45:1-21(b) for misrepresentation on her 2015 renewal application and for the violation of N.J.S.A.

45:1-21(e) by disclosing confidential patient information to a third party.

2. Respondent is assessed a civil penalty in the amount of two hundred and fifty dollars (\$250). Said penalty in the amount of two hundred and fifty dollars (\$250) is 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.

3. Respondent shall complete a Board-approved ethics course within three months. Respondent shall obtain pre-approval from the Board for any course she proposes to take and shall submit proof of successful completion, in the form of a certificate, to the Board within three months of the filing of any Final Order

of Discipline in this matter. This course shall be in addition to continuing education and shall not count towards the required thirty hours of continuing education.

4. Respondent may apply only 18 of the 48 contact hours of continuing education completed in July of 2015 towards satisfaction of the continuing education obligation for the 2015-2017 licensing cycle.

NEW JERSEY STATE BOARD OF NURSING

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