

PROVISIONAL  
ORDER OF DISCIPLINE  
**FILED**  
SEP 02 2015  
N.J. BOARD OF NURSING

FINAL  
ORDER OF DISCIPLINE  
**FILED**  
DEC 01 2015  
N.J. BOARD OF NURSING

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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
	:	
	:	<input checked="" type="checkbox"/> PROVISIONAL ORDER
	:	OF DISCIPLINE
TERRY YVETTE SHORTER, RN	:	
License # 26NR10330600	:	<input checked="" type="checkbox"/> FINAL ORDER
	:	OF DISCIPLINE
	:	(Finalized by default
TO PRACTICE NURSING IN THE	:	on <u>December 01, 2015</u> )
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. Terry Yvette Shorter ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. On or about June 14, 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. (Exhibit B).

3. Upon receipt of information indicating that Respondent's contract of nursing employment was terminated from Medical Solutions due to allegations of fraud of medical records, the Board sent a letter of inquiry requesting certain information and documents regarding the allegations, Respondent's nursing practice, and continuing education to Respondent's address of record in Middletown, Delaware, via regular and certified mail, on or about November 10, 2014. The regular mailing was not returned and the certified mailing was returned as "Unclaimed." (Exhibit C).

4. On December 31, 2014, the Board sent a "second notice" of the letter of inquiry to Respondent's address of record in

Middletown, Delaware, via regular and certified mail. The regular mailing was not returned. The United States Postal Service tracking system indicates that the certified mailing was returned as "Unclaimed-Max Hold Time Expired." (Exhibit D).

5. To date, Respondent has not replied to the Board's requests for information.

6. Respondent also holds a license to practice nursing in the State of Delaware. By Final Board Order of February 3, 2015, the Delaware Board of Nursing suspended Respondent's license to practice for one year, followed by one year of probation and the requirement that she complete classes in medication administration and ethics. The Order was based upon a finding that Respondent was unfit to practice nursing by virtue of her negligence, engaged in unprofessional conduct, and violated multiple Board regulations. (Exhibit E).

7. Respondent's license to practice nursing in New Jersey expired on May 31, 2015 and has not been renewed. (Exhibit A).

#### CONCLUSIONS OF LAW

Any professional or occupational license not renewed within thirty days of its expiration date shall be suspended without a hearing pursuant to N.J.S.A. 45:1-7.1(b). As such, Respondent's license was automatically and administratively suspended, without a hearing, on July 1, 2015.

The Board finds that Respondent's license is subject to disciplinary suspension pursuant to N.J.S.A. 45:1-21(g) as she has had her authority to engage in nursing suspended by another state for reasons constituent with the Board's statutes.

Respondent's failure to respond to the Board's requests 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 respond to the letters 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.

ACCORDINGLY, IT IS on this 2<sup>nd</sup> day of September, 2015, ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in this matter:

1. Respondent's license to practice nursing was administratively suspended, without a hearing, on July 1, 2015. Respondent's license to practice nursing is disciplinarily suspended until further Board Order and such time as Respondent:

a) has her license to practice nursing in Delaware reinstated with no restrictions, limitations, or probation;

b) cooperates fully with the Board's investigation by providing the Board with the information requested in the Board's letters of inquiry;

c) provides proof of completion of thirty hours of continuing education for each biennial renewal period from June 1, 2011 to the time of reinstatement; and

d) complies with all other requirements for reinstatement.

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

3. Respondent is assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation and a 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, 124 Halsey Street, Sixth Floor, 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 a **Final Order of Discipline**. 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.

4. Respondent shall refrain from practicing as a nurse and shall not represent herself as a Registered Professional 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.

5. The within order shall be subject to finalization at 5:00 p.m. on the 30<sup>th</sup> day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to State Board of Nursing, Attention: Leslie Burgos, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

6. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit

further consideration, a Final Order of Discipline will be entered.

7. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

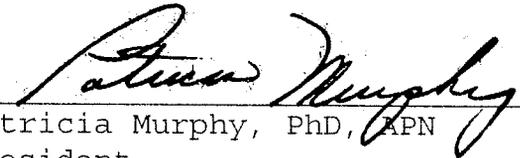
8. In the event the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and

N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

9. 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  
President