



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**
:
KHALILAH M. SMITH, L.P.N. :
License # 26NP06801400 :
:
:
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. Khalilah M. Smith ("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 30, 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.

3. By letter dated November 19, 2014, the Board asked Respondent to provide proof of having completed continuing education for the last three years, including the biennial renewal period from June 1, 2012 - May 31, 2014.

4. On or about December 18, 2014, Respondent, through her attorney, provided documentation of completion of the following continuing education:

0 hours within the June 1, 2012 - May 31, 2014 biennial period;
15 hours within the June 1, 2014 - May 31, 2016 biennial period.

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, 2012 - May 31, 2014. 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 September 8, 2015, provisionally suspending respondent's nursing license, and imposing a reprimand and a \$250 civil penalty. A copy of the Order was served upon the respondent by certified and regular mail at her address of record, and was also sent to her attorney. 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, and provided documentation of completion of a total of 45.5 contact hours of qualifying continuing education, all of which was completed in 2015, subsequent to the 2012-2014 licensing cycle. The Board found that respondent had belatedly satisfied the requirement of N.J.A.C. 13:37-5.3 for the 2012-2014 licensing cycle, and that therefore suspension of license was no longer applicable. However, as Ms. Smith had certified upon her 2014 renewal application to the accuracy of her indication that all required continuing education for the cycle would be completed by May 31, 2014, the Board found that imposition of the reprimand for misrepresentation on the application was warranted. In addition, the Board found that respondent had clearly acted in violation of N.J.A.C. 13:37-5.3 by failing to timely complete her continuing obligation. The Board thus determined that the Provisional Order should be finalized, imposing a reprimand and the \$250 penalty for the violation of N.J.A.C. 13:37-5.3.

ACCORDINGLY, IT IS on this 9th day of December, 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 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 Leslie Burgos, Board Staff, State Board of Nursing, 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. Continuing education hours taken currently and applied to cure the deficiency from the previous biennial period shall not also be used to satisfy the requirements of the current biennial period. Therefore, respondent must complete an additional 14.5 contact hours of continuing education by May 31,

2016 in order to satisfy requirements for the 2014-2016
licensing cycle.

NEW JERSEY STATE BOARD OF NURSING

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