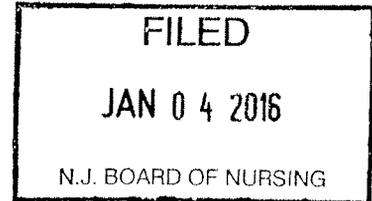


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

Administrative Action

BABITA BALAY, R.N.
LICENSE # NR 11131000

CONSENT ORDER IN
RESOLUTION OF PROVISIONAL
ORDER OF DISCIPLINE

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 indicating that respondent was employed at Nutley Kidney Clinic (NKC) as the Director of Nursing on or about August 14, 2013. On that date, pursuant to a Department of Health determination, the facility was closed based upon certain inadequacies noted at NKC, which

included the chronic shortage of appropriate medications, specifically Hecitorol and Venofer. It was also determined that the nursing staff was deficient in certain hygiene practices. Respondent maintains the shortage of appropriate medications was due to NKC's failure to make timely payments to suppliers. Respondent maintains that she had neither the authority or the responsibility for making supply purchases, and no budget control or ability to pay any bills incurred by NKC. Due to the lack of availability of the medications, at times patients at NKC did not receive ordered medications.

A Provisional Order of Discipline was entered by the Board of November 23, 2015, setting forth provisional findings of fact and conclusions of law with regard to respondent's conduct at Nutley Kidney Clinic. The Provisional Order also set forth preliminary findings with respect to respondent's alleged failure to timely complete continuing education requirements for the 2011-2013 licensing cycle, and purported misrepresentation on the 2013 renewal application. Respondent has since documented timely completion of continuing education requirements for the 2011-2013 and 2013-2015 licensing cycles, and the preliminary findings in the November 23, 2015 with respect to a violation of N.J.A.C. 13:37-5.3 (continuing education requirements) and N.J.S.A. 45:1-21(b) (misrepresentation on renewal application) are hereby rescinded.

With respect to respondent's conduct at Nutley Kidney Clinic, the Board now finds that respondent, as Director of Nursing at NKC and as an experienced dialysis nurse, knew or should have known of the deficiencies at the facility, and took insufficient action to remedy these deficiencies. The Board finds that respondent's conduct in this regard constitutes professional misconduct within the intendment of N.J.S.A. 45:1-21(e).

The parties desiring to resolve the Provisional Order of Discipline without further proceedings and without admissions, and the Board finding that the within order is sufficiently protective of the public health, safety and welfare, and for other good cause shown;

IT IS, ON THIS *4th* DAY OF *January*, 2016

HEREBY ORDERED AND AGREED THAT:

1. A reprimand is hereby imposed for the violation of N.J.S.A. 45:1-21(e).
2. Respondent shall provide documentation to the Board of completion of a continuing education course in medication administration and a course in nursing ethics, both to be pre-approved by the Board. Respondent has already documented completion of two courses pre-approved by the Board, and consequently has satisfied this requirement.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Ann Murphy PhD APN
Patricia Ann Murphy, PhD, APN, C
Board President

I have read and understand
the within Consent Order and
Agree to be bound by its terms.

Babita Balay
Babita Balay, R.N.

Consent as to form and entry:

JoAnn Pietro
JoAnn Pietro, Esq.
Attorney for respondent