

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
	:	
	:	
	:	
JOANNE KLICH, L.P.N.	:	
License # 26NP 03886300	:	FINAL 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 which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Joanne Klich ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about March 26, 2015, a letter of inquiry issued on behalf of the Board, asking Respondent, among other things, to supply documentation of required nursing continuing education completed in the last three years.

3. Respondent replied on or about March 31, 2015, but did not provide documentation of required nursing continuing education.

4. Respondent indicated on her 2013 renewal application that she would have completed all required nursing continuing education for the June 1, 2011 - May 31, 2013 licensing cycle by May 31, 2013. Respondent indicated on her 2015 renewal application that she would have completed all required nursing continuing education for the June 1, 2013 - May 31, 2015 licensing cycle by May 31, 2015.

5. Respondent did not demonstrate timely completion of required nursing continuing education for the June 1, 2011 - May 31, 2013 licensing cycle, nor for the June 1, 2013 - May 31, 2015 licensing cycle.

#### CONCLUSIONS OF LAW

Respondent's failure to document completion of required nursing continuing education to be attributed to the June 1, 2011 - May 31, 2013 licensing cycle is deemed to constitute a violation of N.J.A.C. 13:37-5.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on her 2013 renewal application that she would complete all required nursing continuing education for the June 1, 2011 - May 31, 2013 licensing cycle by

May 31, 2013 is deemed to constitute misrepresentation in violation of N.J.S.A. 45:1-21(b).

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a reprimand and a two hundred and fifty dollar (\$250) civil penalty was entered on August 21, 2015. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by 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 of Discipline and maintained that she submitted a check to a continuing education provider, but the check was never cashed and she never received any certificates of completion. Respondent contacted two continuing education providers and neither had any record of Respondent completing continuing education. Respondent then completed some courses and provided documentation of the following continuing education:

0 hours within the June 1, 2011 - May 31, 2013 biennial period;  
0 hours within the June 1, 2013 - May 31, 2015 biennial period;  
60 hours within the June 1, 2015 - May 31, 2017 biennial period.

Respondent failed to demonstrate, to the satisfaction of the Board, that she completed the required continuing education for the June 1, 2011 - May 31, 2013 and June 1, 2013 - May 31, 2015 biennial periods. Respondent may apply the 60 hours recently completed to cure the deficiency of the previous two biennial periods and avoid suspension of her license. However, those same hours may not also be applied to satisfy the requirements of the current biennial period.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary. The Board was not persuaded that the submitted materials merited further consideration. Inasmuch as Respondent cured the deficiency of the previous biennial periods, the Board determined that suspension was no longer warranted. As Respondent failed to demonstrate completion of 30 hours of continuing education within the June 1, 2011 - May 31, 2013 biennial period, the civil penalty is still warranted for failing to timely complete required continuing education. Additionally, the reprimand is still warranted for the misrepresentation on her renewal that she had timely completed all required continuing education when she is unable to provide any documentation thereof. Proof that

Respondent mailed a check to a continuing education provider is not proof that Respondent actually completed the continuing education courses and earned certificates of completion.

ACCORDINGLY, IT IS on this 22<sup>nd</sup> day of January, 2016,

ORDERED that:

1. A reprimand is hereby imposed upon Respondent for the violation of N.J.S.A. 45:1-21(b).

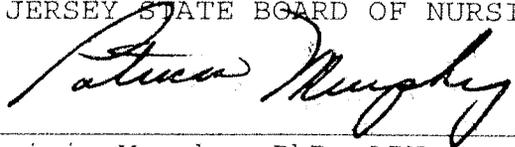
2. A civil penalty in the amount of two hundred and fifty dollars (\$250) is hereby imposed for Respondent's failure to timely complete nursing continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct 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 twenty-one (21) days after the date of filing of this 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.

3. Continuing education completed after May 31, 2015 and applied to cure the deficiencies of previous biennial periods shall not also be used to satisfy the requirements of the

current biennial period. Respondent shall complete 30 additional hours of continuing education prior to May 31, 2017 to satisfy the requirements of the current biennial period.

NEW JERSEY STATE BOARD OF NURSING

By: \_\_\_\_\_

  
Patricia Murphy, PhD, APN  
Board President