

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
	:	
	:	
	:	
ROBERT T. JACOBY, R.N.	:	
License # 26NR17122900	:	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. Robert T. Jacoby ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about July 1, 2014, A Demand for Statement in Writing Under Oath ("Demand") was sent to Respondent on behalf

of the Board at his address of record by certified and regular mail. The certified mailing was returned, unclaimed. The regular mailing was not returned.

3. The Board received no response.

CONCLUSIONS OF LAW

Respondent's failure to respond to a Board inquiry constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2, -1.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension and five hundred dollar (\$500) civil penalty was entered on July 30, 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

by providing one letter from himself and three letters from his attorney. However, the letters were not responsive as they either asked for additional time to respond to the Demand which was issued in July 2014, or attempted to explain why Respondent had decided that he would not answer the Board's inquiries. Despite those letters, Respondent has still failed to provide the bulk of information requested in the Board's Demand and thus has failed to satisfy his obligation to cooperate with a Board investigation. In response to a letter advising Respondent that his continued failure to provide a complete response may result in the suspension of his license, Respondent replied in November 2015 requesting a "couple of weeks" to resolve the issue. The Board received no further response.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. One cannot evade discipline or impede an investigation by failing to respond. Inasmuch as Respondent has failed to provide the bulk of information originally requested, the Board determined that the suspension and five hundred dollar (\$500) are warranted.

ACCORDINGLY, IT IS on this 8th day of March, 2016,

ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended until he has fully responded to the Board's inquiry.

2. A civil penalty in the amount of five hundred dollars (\$500) is hereby imposed. 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.

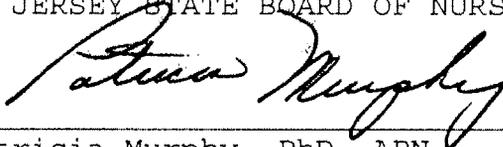
3. Upon finalization of this order, Respondent shall refrain from practicing as a nurse and shall not represent himself as a Registered Professional Nurse until such time as his license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

4. The Board reserves the right to initiate further disciplinary proceedings at the time of Respondent's petition

for reinstatement, if any, based upon the information provided
by Respondent or upon any new information received by the Board.

NEW JERSEY STATE BOARD OF NURSING

By: _____


Patricia Murphy, PhD, APN
Board President