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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
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: :
: :
ERICA A. RIVERA, L.P.N. :
License # 26NP06526200 : 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. Erica A. Rivera ("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 6, 2012, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2012," referring to the biennial renewal period of June 1, 2010 - May 31, 2012. Respondent answered "yes" and certified that answer by submitting the online application.

3. On March 31, 2014, the Board sent a letter of inquiry to Respondent's mailing address in Smithville, New Jersey, via regular and certified mail, requesting certain documents, including proof of having completed the required continuing education.

3. Respondent provided a partial response to the letter of inquiry and maintained that she had taken a single class in 2013 at Cumberland County College which pertained to nursing, but failed to attach a transcript or any documentation of completion of the class.

4. On or about May 29, 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.

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, 2010 - May 31, 2012 and 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.

DISCUSSION

A Provisional Order of Discipline (POD) was filed on June 2, 2015 based upon Ms. Rivera's failure to complete and provide documentation of continuing education. The POD seeks a reprimand, \$250 civil penalty, and a suspension until Ms. Rivera demonstrates completion of all required continuing education to date.

Ms. Rivera responded to the POD and provided proof of completion of the following continuing education:

20 hours within June 1, 2010 - May 31, 2012;
0 hours within June 1, 2012 - May 31, 2014; and
90 hours within June 1, 2014 - May 31, 2016.

Ms. Rivera maintains that her documentation of completion of continuing education was stored on a computer which is no longer functional. However, providers of continuing education are required to provide duplicate certificates of completion. If Ms. Rivera had merely lost the certificates of completion, she would be able to contact the provider and obtain duplicates. She also maintains that she completed a course entitled "Human Growth and Development" (3 credits) at Cumberland County College

in Fall 2013, but has failed to provide documentation thereof. Even if she had completed the course, it would have only equated to 15 hours of continuing education and Ms. Rivera has provided no other proof of completing any other continuing education within that biennial period.

Ms. Rivera has now cured the deficiency of the previous periods and has demonstrated that she is up-to-date with her continuing education through May 31, 2016. The Board has determined that the submitted documentation warrants finalizing the POD with modification by eliminating the suspension, but maintaining the \$250 civil penalty and the reprimand. Respondent failed to timely complete 30 hours of continuing education within the given biennial periods and provided a false answer on her renewal application indicating that she had timely completed all required continuing education.

ACCORDINGLY, IT IS on this 22nd day of March, 2016,

ORDERED that:

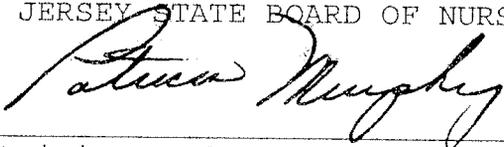
1. A reprimand is imposed on Respondent for falsifying the continuing education information on her license renewal application.

2. Respondent is assessed a civil penalty in the amount of two hundred 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 George Hebert, Executive Director, 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 **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.

NEW JERSEY STATE BOARD OF NURSING

By: _____


Patricia Murphy, PhD, APN
Board President