

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Nursing

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
: :
: :
: :
Arlene S. Carlos, R.N. :
License # 26NR07331200 : 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. Arlene S. Carlos ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about March 30, 2013, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial renewal period of June 1, 2011 - May 31, 2013. Respondent answered "yes" and certified that answer by submitting the online application.

3. On or about August 11, 2014, during a Board investigation Respondent was asked to provide proof of having completed required continuing education from her last biennial renewal period of June 1, 2011 - May 31, 2013. Respondent was unable to provide proof of having completed any continuing education.

4. On or about April 15, 2015, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2015," referring to the biennial renewal period of June 1, 2013 - May 31, 2015. Respondent answered "yes" and certified that answer by submitting the online application. Respondent was also asked whether she had completed the required one hour course on Organ and Tissue Donation. Respondent answered "no."

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, 2011 - May 31, 2013. 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 July 16, 2015 based upon continuing education violations. The POD sought a reprimand, \$250 civil penalty, and a suspension until

Ms. Carlos demonstrated that she had completed the required continuing education, including the required one hour course on organ and tissue donation.

Ms. Carlos responded to the POD by providing proof of belated completion of the following continuing education requirements:

0 hours within the 6/1/11 - 5/31/13 biennial period;
0 hours within the 6/1/13 - 5/31/15 biennial period; and
60 hours within the 6/1/15 - 5/31/17 biennial period.

Ms. Carlos also provided proof of belated completion of the required one hour course on organ and tissue donation.

The Board determined Respondent's submission warrants modification of the POD to not suspend Ms. Carlos' license but still impose the reprimand and civil penalty for falsification on the license renewal. Ms. Carlos can apply the 60 hours of continuing education completed out of time to cure the deficiencies of the previous two biennial periods. As these 60 hours have been applied to cure previous deficiencies, they cannot also be used for the current period and Ms. Carlos will have to complete an additional 30 hours of continuing education prior to 5/31/17 to satisfy the requirements of the current period.

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

ORDERED that:

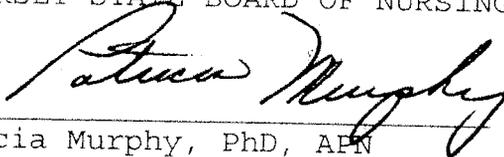
1. Ms. Carlos shall complete an additional 30 hours of continuing education prior to 5/31/17 to satisfy the requirements of the current biennial period.

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

3. 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 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 **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