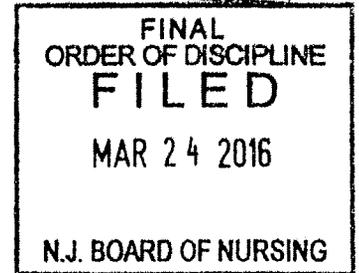
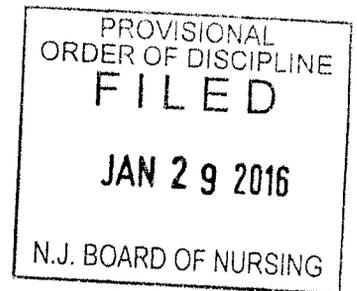


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION : Administrative Action
OR REVOCATION OF THE LICENSE OF :
: PROVISIONAL ORDER
: OF DISCIPLINE
KIMBERLY A. COX, LPN :
License # 26NP05510400 : FINAL ORDER
: OF DISCIPLINE
: (Finalized by default
TO PRACTICE NURSING IN THE : on March 24, 2016)
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. Kimberly A. Cox ("Respondent") was initially registered as a Licensed Practical Nurse (LPN) in the State of New Jersey in 2003, but her license expired in 2011.

2. The Board received information indicating that

Respondent was charged with fraudulent use of a credit card in the third degree, contrary to N.J.S.A. 2C:21-6(h), and credit card theft in the fourth degree, contrary to N.J.S.A. 2C:21-6(c)(1). These charges stemmed from Respondent's use of a credit card from the joint account of an elderly dementia patient she cared for, L.S., and the patient's wife, V.S. According to a New Jersey State Police Investigation Report, Respondent charged \$14,482.15 to the S.'s joint account. (Exhibit A).

3. Respondent pled guilty to credit card theft in the fourth degree, and on August 6, 2014, Respondent was sentenced to five days in prison with time served and five years' probation. Respondent was also ordered to repay L.S. and V.S. \$14,482.15 in restitution. (Exhibit B).

4. Respondent initially received an LPN license from the Board on October 10, 2003, and her license expired on May 31, 2011. Respondent submitted an application to reinstate a lapsed license dated August 18, 2011, which included a certification and authorization for a criminal history background check. The Board declined to reinstate Respondent's license, pending further investigation, after discovering Respondent previously faced charges for failure to make required disposition of property received, bad checks, and forgery. (Exhibit C,

Exhibit D, Exhibit E).

5. According to Respondent's August 2011 application for reinstatement, she cared for L.S. from September 2010 through the date of the reinstatement application. (Exhibit D).

6. On March 8, 2013, V.S. reported a credit card theft to the police. V.S. reported an overdue balance in the amount of \$14,482.15 on the S.'s joint credit card. The transactions in question occurred between November 25, 2011 and December 19, 2011. V.S. reported that neither she nor her husband made any of the charges during that period and she believed the account was closed in March 2010. V.S. told police that Respondent cared for L.S. during the period these transactions were made as a home care nurse. Receipts showed that Respondent ordered fuel using a credit card from V.S.'s account. (Exhibit A).

7. On March 9, 2013, Respondent admitted to the police that she used the S.'s credit card, but claimed V.S. gave Respondent permission to use the credit card to buy presents for Respondent's children. Respondent said she agreed to reimburse V.S. once she received her tax refund. Further, Respondent admitted to making additional purchases without the S.'s permission. Respondent also said she gave a male friend permission to make multiple purchases on the S.'s account. Respondent looked at the list of purchases and admitted that

either she or her male friend made every purchase on the list. After the interview concluded, Respondent was placed under arrest and charged with the theft. As aforementioned, Respondent pled guilty to this credit card theft. (Exhibit A, Exhibit B, Exhibit F).

8. Respondent was also arrested on July 6, 2014, based on an alleged offense occurring on June 11, 2014. Respondent was charged with credit card theft for allegedly taking possession of a victim's credit card and using it to withdraw \$600.00 from a bank and to pay a Verizon bill totaling \$1,939.34. The Board received information that this matter was administratively dismissed. (Exhibit G).

CONCLUSIONS OF LAW

The Board finds: Respondent engaged in acts constituting professional misconduct, pursuant to N.J.S.A. 45:1-21(e); Respondent was convicted of and/or engaged in acts constituting a crime or offense relating adversely to the activity regulated by the Board, pursuant to N.J.S.A. 45:1-21(f), based on her June 2014 guilty plea for credit card theft of a patient under her care; and Respondent violated N.J.S.A. 45:1-7.1(c), by practicing as a nurse more than thirty days following the expiration date of her license, based on Respondent's August 2011 admission she cared for L.S. more than thirty days after

her license expired and V.S.'s corroboration that Respondent cared for her husband as a home care nurse months after Respondent's license expired.

ACCORDINGLY, IT IS on this 29th day of January, 2015¹⁶

ORDERED that:

Upon the filing of a FINAL ORDER of Discipline in this matter:

1. Respondent's license to practice as a Licensed Practical Nurse in the State of New Jersey was administratively suspended in 2011 without a hearing by operation of N.J.S.A. 45:1-7.1(b). Respondent's application for reinstatement is hereby denied.

2. Respondent's license to practice nursing is to be and hereby is disciplinarily suspended for a period of two years.

3. A civil penalty in the total amount of two thousand dollars (\$2,000) is imposed upon Respondent based on her criminal conviction for credit card theft of a patient under her care and based on her unlicensed practice of nursing. Payment of the civil penalty 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

sixty (60) days after the date of the 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.

4. Respondent must appear before the Board prior to reinstatement, and must demonstrate rehabilitation as a condition to being considered for reinstatement.

5. The Board reserves the right to take further disciplinary action based upon any information received in the future regarding the underlying conduct; impose further restrictions and/or limitations upon return to practice; or to deny reinstatement.

6. Upon finalization of this Order, Respondent shall continue to refrain from practicing nursing and shall not represent herself as a registered nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

7. The within order shall be subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for

modification or dismissal to Leslie Burgos, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

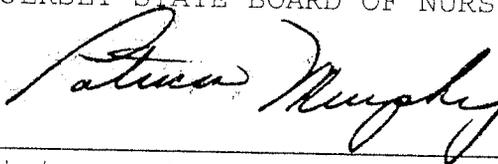
c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

8. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

9. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions, and sanctions stated herein.

10. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING



By: _____

Patricia Murphy, PhD, APN
Board President