

PROVISIONAL
ORDER OF DISCIPLINE
FILED
DEC 29 2015
N.J. BOARD OF NURSING

FINAL
ORDER OF DISCIPLINE
FILED
MAY 17 2016
N.J. BOARD OF NURSING

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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
: :
: : PROVISIONAL ORDER
: : OF DISCIPLINE
LINA ARANDA, R.N. :
License # 26NR06346200 : FINAL ORDER
: : OF DISCIPLINE
: : (Finalized by default
TO PRACTICE NURSING IN THE : on May 17, 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. Lina Aranda ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. On or about April 4, 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." Respondent was also asked whether she had completed the required continuing education on organ and tissue donation. Respondent answered "no." Respondent certified her answers by submitting the online application. (Exhibit B).

3. On or about May 13, 2015, Respondent was requested to provide documentation of continuing education that she had completed within her last renewal period of June 1, 2012 - May 31, 2014. (Exhibit C).

4. Respondent acknowledged that she had not completed 30 hours of continuing education within the June 1, 2012 - May 31, 2014 biennial renewal period. She provided proof of completion of the following continuing education:

37 hours within 6/1/10 - 5/31/12;

2 hours within 6/1/12 - 5/31/14;

31 hours within 6/1/14 - 5/31/16.

Respondent further failed to provide documentation for the required continuing education on Organ and Tissue Donation. (Exhibit D).

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, 2012 to 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.

Respondent can carry over the 7 excess hours from June 1, 2010 - May 31, 2012, giving her a total of 9 hours for the June 1, 2012 - May 31, 2014 biennial renewal period. Respondent may apply 21 of the 31 hours recently completed in May 2015 to cure the deficiency of the June 1, 2012 - May 31, 2014 biennial period and avoid suspension of her license on that basis.

ACCORDINGLY, IT IS on this 29th day of December, 2015, ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in this matter:

1. Continuing education hours taken after May 31, 2014 and applied to cure the deficiency from the previous biennial period shall not be used to satisfy the requirements of the current biennial period. Respondent shall complete an additional 20 hours of continuing education prior to May 31, 2016.

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 a 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. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th 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, Board Staff, State Board of Nursing, 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.

5. 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.

6. 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.

7. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order of Discipline shall be checked, the Final Order of Discipline

shall be filed, and copies shall be mailed to Respondent. 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, APRN

Board President