

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
	:	
	:	
	:	
CRYSTAL BARTON, LPN	:	
License # 26NP06115600	:	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. Crystal Barton ("Respondent") is a Licensed Practical Nurse ("LPN") in the State of New Jersey and has been a licensee at all relevant times.

2. On July 11, 2014, the Board sent a letter of inquiry to Respondent regarding a complaint alleging that Respondent was terminated from the Monmouth County Correctional Facility on December 13, 2013, for incompetence, professional misconduct, and

falsification of medical records in connection with the October 4, 2013 death of an inmate, C.J., in the facility.

3. The complaint alleged that the inmate, C.J., was a known heroin abuser and by policy she was to be on Clinical Opiate Withdrawal Screening ("COWS"). A review of C.J.'s chart indicated that the COWS had been removed. The COWS were then found to be in a shred box. Respondent had been the last to document COWS findings for C.J., such as patient assessment, at 6:00 a.m. on October 4, 2013. That same day, C.J. was found unresponsive at 7:00 a.m.

4. The complaint further alleged an internal investigation was conducted and a review of the facility's video tapes indicated Respondent had never gone to C.J.'s housing unit nor did she go to medical. Thus, it was determined that Respondent had never assessed C.J. and falsified the COWS sheet, then attempted to destroy it to cover her actions.

5. The Board's letter of inquiry to Respondent requested, in part, information regarding the allegations against her and documentation of completed continuing education for the biennial period of June 1, 2012 to May 31, 2014.

6. In a response dated July 20, 2014, Respondent denied the allegations. Respondent stated that she did not believe that she

was ever questioned about the events surrounding C.J.'s expiration, that she was never told why she was suspended, and that she was never told that she was terminated. Respondent stated that she did not go to C.J.'s housing unit on the date in question. Respondent also provided documentation that she had completed 10.75 hours of continuing education for the period of June 1, 2012 to May 31, 2014.

7. The Board received documentation relating to C.J.'s expiration, including a Uniform Staff Report executed by Respondent, wherein Respondent stated that she never saw the inmate. The Board also received a copy of the COWS form for C.J. that indicated that Respondent had initialed an assessment for C.J. on October 4, 2013, at 6:00 a.m.

8. On January 6, 2015, Respondent appeared before a committee of the Board for an Investigative Inquiry. During the investigative inquiry, Respondent denied seeing C.J. at any time during her shift on October 4, 2013.

9. Respondent confirmed her signature and initials were on the COWS form for C.J. Respondent also confirmed that the COWS form indicated that Respondent took C.J.'s blood pressure and pulse, and assessed C.J. at 6:00 a.m. on October 4, 2013. Respondent further confirmed that C.J. was deceased at 6:00 a.m. on

October 4, 2013.

10. Respondent stated that she did not recall filling out the COWS form and she was unable to explain the form. Respondent stated that she never left the medical office during the night shift. Respondent admitted that the information was not accurate. Respondent denied placing the COWS form in the shredder.

11. Respondent stated that it was "common practice for somebody else to go out and take [vital signs]", and at the time, "somebody else took all the vital signs, and [Respondent] just wrote them all in the book. So [Respondent] didn't go there."

12. At the Investigative Inquiry, the Board also requested that Respondent provide documentation of her completed continuing education for the relevant biennial period.

13. Respondent has not provided documentation to show that she completed the required thirty hours of continuing education during the biennial period of June 1, 2012 to May 31, 2014, as requested.

#### CONCLUSIONS OF LAW

Respondent's conduct subjects her to disciplinary action, pursuant to N.J.S.A. 45:1-21 and N.J.S.A. 45:1-22, for having engaged in the use or employment of dishonesty, fraud, deception, and misrepresentation, as prescribed in N.J.S.A. 45:1-21(b), for

having engaged in gross negligence, gross malpractice, and gross incompetence which damaged or endangered the life, health, welfare, and safety of a patient, as prescribed in N.J.S.A. 45:1-21(c), and for having engaged in professional misconduct, as prescribed in N.J.S.A. 45:1-21(e).

Additionally, 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).

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking an eighteen month suspension (one year active, six months stayed/served as probation), reprimand, and a

five hundred dollar (\$500) civil penalty was entered on December 15, 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 and did not dispute the findings of fact or conclusions of law. Respondent maintained that the discipline sought would present a financial hardship on her family and a disruption in the home nursing care that she has provided for the last two years to one particular patient. Respondent also indicated that she is presently enrolled in a college program to advance her degree and has been taking courses in Anatomy and Physiology. She requests that these courses be accepted in lieu of the requirement that she take an ethics course.

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. This was a very serious, and as Respondent admits, unfortunate incident. Had Respondent performed the COWS assessment as she had documented in the patient's chart, there is a chance that Respondent would have been able to save the patient and the patient would not have died. The Board finds Respondent's documentation that she performed an assessment when she had not done so, and the subsequent discovery of said documentation in the shredder after the patient was found dead, most egregious and deserving of significant discipline. The Board determined that the suspension, civil penalty, and ethics course are warranted.

ACCORDINGLY, IT IS on this 08 day of June, 2016,  
ORDERED that:

1. Respondent's license to practice nursing is suspended for a period of eighteen (18) months, with one (1) year served as active suspension and with six (6) months served as stayed suspension and probation. Respondent shall petition the Board for an Order terminating the active period of suspension and commencing the stayed suspension/period of probation.

2. A reprimand is imposed on Respondent for the conduct detailed above.

3. Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500). 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, 124 Halsey Street, Sixth Floor, 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.

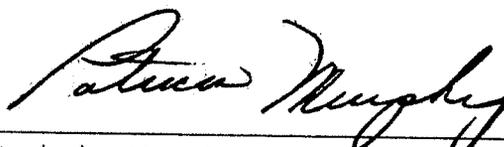
4. Within six (6) months of the date of filing of this Final Order of Discipline, Respondent shall enroll in and successfully complete a course in ethics which shall be approved in advance by the Board. Upon completion of the approved course, documentation of successful completion must be mailed to the attention of Joanne Leone, State Board of Nursing, P.O. Box 45010, Newark, New Jersey, 07101. Documentation must be received by the Board within six (6)

months of the date this Order is filed. Any hours or credits earned for completing this course shall not be applied towards satisfaction of your continuing education requirements. This course shall be in addition to the thirty (30) hours of continuing education required for license renewal.

5. Respondent shall refrain from practicing nursing and shall not represent herself as a Licensed Practical 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.

NEW JERSEY STATE BOARD OF NURSING

By:

  
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Patricia Murphy, PhD, APN  
Board President