

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
:
:
: **FINAL ORDER OF**
: **DISCIPLINE**
ISATU D. BAH, LPN :
License # 26NP06765400 :
:
:
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. Isatu D. Bah ("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 28, 2014, Respondent completed and submitted an online biennial renewal application. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of

June 1, 2012 to May 31, 2014. Respondent answered "No" and certified that answer by submitting the online application.

3. On July 9, 2014, the Board sent Respondent a letter asking that, within 30 days, she complete her required continuing education as she had indicated "no" to the question asking if she completed required continuing education on her 2014 renewal. Respondent did not respond to the July 9, 2014 letter.

4. On July 15, 2015, another letter was sent to Respondent indicating "Notice of CE Violation and Potential Suspension, Second Notice". Respondent was again asked to provide proof that she had completed her 30 hours of continuing education and was required to submit a \$250 payment in satisfaction of a civil penalty within 30 days. The certified mailing was returned as "Return to sender, Unable to Forward." The regular mailing was returned as "Return to sender, Not Deliverable as Addressed, Unable to Forward." The mailings were all sent to Respondent's correct address of record.

5. Upon receipt of information indicating that Respondent was arrested on July 17, 2015 by members of the Winslow Township Police Department for violation of N.J.S.A. 2C:12-1B(7) (Aggravated Assault With Bodily Injury), the Board sent a letter of inquiry requesting certain information and documents

regarding the criminal matter, Respondent's nursing practice, and continuing education, to Respondent's address of record in Jersey City, New Jersey, via regular and certified mail on or about July 22, 2015. The certified mailing was returned as "Return to Sender, Unable to Forward." The regular mailing was returned as "Return to Sender, Not Deliverable as Addressed, Unable to Forward." The mailings were all sent to Respondent's correct address of record.

6. The Respondent did not reply to the Board's letter of inquiry.

SUBSEQUENT PROCEDURAL HISTORY

Based on the provisional findings and conclusions, as noted above and below, a Provisional Order of Discipline seeking a suspension, a reprimand and a seven hundred fifty dollar (\$750) aggregate civil penalty for Respondent's continuing education violations and failure to respond to the Board's request for information was entered on January 12, 2016. A copy was served on Respondent via regular and certified mail to her last known address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of law by submitting a written request for modification or dismissal

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 therefore.

Respondent responded to the Provisional Order of Discipline, providing all the information originally requested in the Board's original letter of inquiry. Respondent made no excuse for failing to respond to the Board's letters of inquiry. Respondent provided proof of completion of no continuing education units in the 2012-2014 renewal period, and 53 continuing education units in the 2014-2016 period. Because 30 of the 53 units may be applied to the 2012-2014 period, Respondent is now belatedly compliant with continuing education requirements for the 2012-2014 period. Because Respondent complied, albeit belatedly, with the Board's request for information and provided evidence that she belatedly completed continuing education credits sufficient to meet the Board's requirements, suspension of her license is no longer warranted.

CONCLUSIONS OF LAW

Respondent's initial failure to respond to the Board's requests for information constitutes the failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct

pursuant to N.J.S.A. 45:1-21(e) and which also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

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.

By failing to timely comply with continuing education requirements for the 2012-2014 license renewal period, Respondent has violated 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).

ACCORDINGLY, IT IS on this 1st day of August, 2016,
ORDERED that:

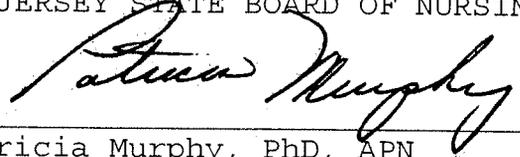
1. A reprimand is imposed on Respondent for failing to timely comply with the Board's continuing education requirements.

2. Respondent is assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of

five hundred dollars (\$500) for her initial failure to cooperate with a Board investigation and a 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 Order. 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