

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**  
SCOTT STEWARD, L.P.N. :  
License # 26NP 05303000 :  
: :  
: :  
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. Scott Steward ("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 April 15, 2015, a letter of inquiry was sent to Respondent on behalf of the Board, asking for information and

documentation concerning an arrest on April 15, 2015 on assault-related charges, and for information relating to his nursing practice. The documentation requested included documentation, in the form of certificates of completion, of continuing education completed within the last three years.

3. The letter of inquiry was sent to Respondent at his address of record by certified and regular mail. The certified mailing of the letter was returned, unclaimed. The regular mailing was not returned. No response has been received to date.

4. Respondent indicated, on his 2014 renewal application, that he would complete required nursing continuing education for the 2012-2014 licensing cycle by May 31, 2014.

#### CONCLUSIONS OF LAW

1. Respondent's failure to respond to a Board inquiry constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2, -1.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

2. Respondent's failure to document completion of required nursing continuing education is deemed to constitute a violation of N.J.A.C. 13:37-5.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

3. Respondent's indication on his 2014 renewal application that he would complete all required nursing continuing education

for the 2012-2014 licensing cycle by May 31, 2014 is deemed to constitute misrepresentation in violation of N.J.S.A. 45:1-21(b).

### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension of Respondent's nursing license, a reprimand, and seven hundred fifty dollars (\$750) in aggregate civil penalties was entered on August 20, 2015. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law.

In response to the Provisional Order, Respondent provided the information and documentation that the Board had originally requested in April 2015. Respondent had not received the original letter of inquiry because he had failed to timely notify the Board of his change of address. Regarding the criminal matter, Respondent explained that it pertained to a domestic incident with his then wife and that the charges were dismissed.

Regarding continuing education, Respondent provided proof of completion of the following hours of continuing education:

0 hours within the June 1, 2012 - May 31, 2014 period;

30 hours within the June 1, 2014 - May 31, 2016 period.

Respondent acknowledged that he had not timely completed the required continuing education within the June 1, 2012 - May 31, 2014 biennial period, but he completed 30 hours in November 2015 to cure that deficiency.

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. Inasmuch as Respondent provided the information originally requested, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a five hundred dollar (\$500) civil penalty. Additionally, Respondent's failure to timely complete required continuing education within the June 1, 2012 - May 31, 2014 biennial period warrants a two hundred and fifty dollar (\$250) civil penalty. A reprimand is warranted for Respondent's answer whereby he certified that he had timely completed the required continuing education when he had not.

ACCORDINGLY, IT IS on this 7<sup>th</sup> day of September, 2016,

ORDERED that:

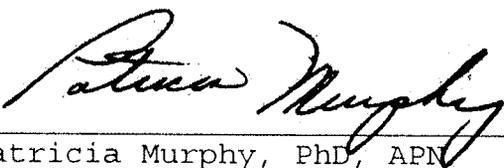
1. A reprimand is hereby imposed for the violation of N.J.S.A. 45:1-21(b).

2. A civil penalty in the total amount of seven hundred and fifty dollars (\$750) is hereby imposed, which includes civil penalties of five hundred dollars (\$500) for Respondent's failure to respond to the Board's inquiry and two hundred and fifty dollars (\$250) for Respondent's failure to timely complete 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 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 twenty-one (21) 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.

3. Continuing education taken after May 31, 2014 and applied to cure the deficiency of a previous biennial period shall not also be used to satisfy the requirements of the current or any other biennial period. Respondent shall complete 30 hours of continuing

education per biennial period in addition to any hours that were applied to cure a previous deficiency.

NEW JERSEY STATE BOARD OF NURSING

By:   
Patricia Murphy, PhD, APN  
Board President