FILED
NOV 7 0 2016
N.J. BOARD OF NURSING

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
LINSEY T. HOFFMAN, RN **License # 26NR13139000**	:	**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. Linsey T. Hoffman ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Upon receipt of information indicating that Respondent was arrested on February 13, 2015, by members of the New Jersey State Police for violation of N.J.S.A. 2C:17-3B(2) (Criminal Mischief Causing Pecuniary Loss That Exceeds $500.00), 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 Shamong, New Jersey, via regular and certified mail on or about March 10, 2015.

3. On or about April 7, 2015, Respondent provided a partial response along with a copy of the criminal complaint. However, she failed to provide the police report, a performance evaluation, as she indicated that she was not working, or proof of having completed any of her continuing education.

4. On May 23, 2015, 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, 2015," referring to the biennial renewal period of June 1, 2013 to May 31, 2015. Respondent answered "Yes" and certified that answer by submitting the online application.

5. On or about June 19, 2015, Respondent was arrested for the second time by members of the State Police for 2C:12-1A(1) (Simple Assault). On or about this same date, the Board sent a second 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 Shamong, New Jersey, via regular and certified mail.

6. On or about July 17, 2015, Respondent through her attorney, John S. Sitzler, responded and provided only a copy of the criminal complaint. Respondent failed to provide a copy of the police report or a performance evaluation, and indicated she would not be providing any statement, written or otherwise of her version of what had occurred. Furthermore she failed to provide any proof of having completed the required continuing education.

SUBSEQUENT PROCEDURAL HISTORY

A Provisional Order of Discipline ("POD") was filed on January 12, 2016, based upon failure to adequately respond to the Board's letters of inquiry regarding her February 13, 2015 arrest for Criminal Mischief and her June 19, 2015 arrest for Simple Assault, along with her failure to demonstrate completion of continuing education. The POD sought a $750 civil penalty, a reprimand, and a suspension of license until Ms. Hoffman fully responded to the Board's letters of inquiry and demonstrated completion of required continuing education.

Ms. Hoffman responded to the POD. She acknowledged that she had not provided the information requested in the Board's letters because the criminal cases against her had been dismissed and that she assumed her obligation to provide the Board with the information was fulfilled upon dismissal.

Subsequently, via a second submission, Respondent provided proof of the dismissal of both criminal cases against her, a narrative of the conduct which led to her June 2015 arrest, information about her employment, and a performance evaluation. Respondent also provided proof of timely completion of the required number of continuing education credits.

CONCLUSIONS OF LAW

Respondent's submissions have been reviewed by the Board, and the Board has determined that further proceedings are not necessary and that no material discrepancies have been raised other than proof that Respondent completed sufficient continuing education. Respondent is deemed to have now fully responded to and substantially complied with the Board's original request for information and documents. Accordingly, the Board finds that suspension of Respondent's certification is no longer applicable and that, because Respondent completed a sufficient number of continuing education credits during the relevant renewal period, neither the reprimand nor the $250 fine indicated in the Provisional Order should be imposed. However, Respondent's failure to timely respond to the Board's initial inquiry resulted in unnecessary delay and expenditure of Board resources in addressing this matter, requiring the Board to issue a

Provisional Order to obtain information which should have been provided earlier.

Accordingly, the Board finds that Respondent's conduct does constitute a 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), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h). The Board finds that imposition of the $500.00 monetary penalty is appropriate for Respondent's failure to cooperate with a Board investigation.

ACCORDINGLY, IT IS on this 10th **day of** November**, 2016, ORDERED:**

1. Respondent is assessed a civil penalty in the amount of five hundred dollars ($500) for failure to cooperate with a Board investigation. 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