

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
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: :
: :
TINA LOCKETT, LPN :
License # 26NP05928100 : 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. Tina Lockett ("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, 2013, 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, 2013," referring to the biennial renewal period of

June 1, 2011 to May 31, 2013. Respondent answered "Yes" and certified that answer by submitting the online application.

3. Upon receipt of information indicating that Respondent was arrested on December 31, 2014, by the Garfield Police Department for violation of (1) Count N.J.S.A. 2C:20-11C(2) (Shoplifting Greater Than \$500.00 But Less Than \$75,000.00), 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 Garfield, New Jersey, via regular and certified mail on or about January 23, 2015. The regular mailing was not returned. The certified mailing was returned as "Unclaimed" as per the United States Postal Service tracking system. To date, Respondent has not replied to the Board's request for information.

4. The Board received information indicating that on February 4, 2015 in Garfield Municipal Court, Respondent was found guilty of violating N.J.S.A. 2C:20-11(b)(1) (Taking Merchandise from Store), sentenced to 10 days of community service and assessed four hundred and sixty-five dollars in fines, fees, and costs.

5. On or about April 3, 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.

SUBSEQUENT PROCEDURAL HISTORY

Based on Respondent's failure to respond to the Board's request for information as well as the foregoing findings and conclusions of law detailed below, a provisional order of discipline seeking suspension of Respondent's license to practice as a licensed practical nurse in the State of New Jersey was entered on December 29, 2015, and a copy was served on Respondent. The Provisional Order sought the suspension of Respondent's nursing license until such time as Respondent cooperated fully with the Board's investigation by providing the information requested. The Provisional Order also sought a seven hundred fifty dollar (\$750.00) aggregate civil penalty for Respondent's failure to cooperate with a Board investigation and her failure to present the requested proof of compliance with the Board's continuing education requirements.

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 said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for reconsideration and reasons therefor.

Ms. Lockett responded to the Provisional Order and provided the information originally requested in the Board's letter of inquiry including a narrative, criminal matter incident report and disposition, and a work performance evaluation. Respondent also presented evidence of completion of 30 credit hours of continuing education during the June 1, 2011 - May 31, 2013 renewal period and 30 credit hours of continuing education during the June 1, 2013 - May 31, 2015 renewal period.

Respondent maintains that she initially faxed her response to the Board's request for information in March 2015 but states that the fax machine did not provide her with a confirmation. The Board has no record of receiving any fax from Respondent in March 2015 and Respondent has not submitted any fax confirmation or other proof of service of mailing her response.

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 her submission of proof of the continuing education credits she completed. The Board is not persuaded that any of the other submitted materials merit further consideration, as Respondent did not dispute any other Findings of Fact or Conclusions of Law set forth in the Provisional Order of Discipline. However, 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 license is no longer applicable. However, because the Board did not initially receive any response from Respondent to its request for information, and because Respondent has presented no evidence beyond her own assertions that she timely responded to the Board's request, the Board finds that Respondent failed to timely respond to the Board's initial inquiry, and that this resulted in unnecessary delay and expending 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 constitutes 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 a \$500.00 monetary penalty is appropriate for Respondent's initial failure to cooperate with a Board investigation. Because Respondent presented evidence that she completed a sufficient number of continuing education credit hours during the relevant renewal periods, the reprimand and additional two hundred fifty dollar (\$250) civil penalty originally sought by the Provisional Order of Discipline for Respondent's failure to complete required continuing education and misrepresentation on her renewal application regarding her compliance with the Board's continuing education requirements are no longer warranted.

Last, the Board finds that by being found guilty of taking merchandise from a store, Respondent has been convicted of, or engaged in acts constituting, a crime or offense adverse to the practice of nursing within the intendment of N.J.S.A. 45:1-21(f). Nurses care for vulnerable populations who may be unable to safeguard their possessions while under the care of a nurse. The public expects nurses to be trustworthy. Respondent's conviction for taking merchandise from a store erodes the public's trust in nurses.

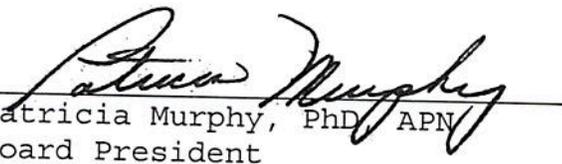
ACCORDINGLY, IT IS on this 9th day of November, 2016,
ORDERED that:

1. A reprimand is imposed on Respondent's license for her criminal conviction, which conviction in turn constitutes a violation of N.J.S.A. 45:1-21(f).

2. Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500) for her initial 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 State Board of Nursing, Attention: 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 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