

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION : Administrative Action
OR REVOCATION OF THE :
CERTIFICATION OF :
 :
 : FINAL ORDER
ANDREA BLAINE : OF DISCIPLINE
Certification # 26NH01236500 :
 :
TO PRACTICE AS A :
HOMEMAKER-HOME HEALTH AIDE :
IN THE STATE OF NEW JERSEY :
:

This matter was opened to the New Jersey State Board of Nursing (the "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. Andrea Blaine ("Respondent") is certified to practice as a certified homemaker-home health aide in the State of New Jersey under Certification Number 26NH01236500 and has been certified at all times relevant hereto.

2. Respondent was arrested on or about December 18, 2008 and was found guilty on August 27, 2009 in Westampton Township Municipal Court of Hindering Apprehension/False Information, N.J.S.A. 2C:29-3B(4), and a violation of local ordinance #68-2, Disorderly Conduct for disturbing the property of another for whom she was the care giver.

3. On March 30, 2010, in her response to a Demand for Statement in Writing Under Oath (DSUO) issued by the Board,

Respondent stated she has been employed by Bayada Nurses, located in Maple Shade, New Jersey, as a certified homemaker-home health aide ("CHHA") since 2003. In addition, Respondent stated that she has been a licensed Community Care Provider for the Division of Developmental Disabilities ("DDD") since 2005.

4. Respondent stated that she provided services to a DDD service recipient ("client"). Respondent stated that the client's case manager instructed Respondent to assist in clearing out the client's apartment because the client had to vacate the apartment. Respondent further stated that the client gave her permission to take some of the furniture for herself.

5. On or about June 2, 2008, the client relocated to the residence of Respondent, a DDD licensed care provider. On June 7, 2008, Respondent brought the client back to her prior residence to remove the furniture. Respondent utilized a truck for the furniture removal and the client stated that she believed Respondent was moving the furniture to a storage facility, however, Respondent moved the furniture to Respondent's son's apartment instead.

6. An investigation conducted by the New Jersey Department of Human Services, Special Response Unit ("SRU"), confirmed that some of the client's furniture was taken to the apartment of Respondent's son. The investigation further revealed that the client stated she never gave permission to Respondent to take the furniture for her own use. In addition, Respondent told the SRU

investigator that the client's furniture had been taken to a friend's house but later admitted that the furniture had been taken to her son's home.

7. Respondent told the SRU investigator that she had never been arrested. Further investigation, however, revealed that Respondent had been arrested for Simple Assault in Burlington Township on July 12, 2008 and pled guilty in Burlington Township Municipal Court on November 18, 2008, to a municipal ordinance violation, Creating a Disturbance.

8. The SRU investigation determined that Respondent financially exploited the client (a DDD Service Recipient).

CONCLUSIONS OF LAW

The above actions provide grounds for disciplinary action against Respondent's certification to practice as a certified homemaker-home health aide in New Jersey pursuant to N.J.S.A. 45:1-21(b), (e), and (f) in that Respondent has engaged in the use or employment of dishonesty, has engaged in professional misconduct, and has been convicted of, or engaged in acts constituting a crime relating adversely to the activity regulated by the Board.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline imposing a two year suspension and a one thousand dollar civil penalty was entered on February 1, 2011. 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.

In response to the Provisional Order of Discipline, Respondent's attorney sent a letter requesting a hearing regarding whether Respondent took the client's furniture without permission for her benefit and to present mitigating circumstances regarding Respondent's answers to investigators about her prior arrest. The attorney was advised to follow the directions found in the Provisional Order of Discipline which pertain to submitting evidence and reasons for modification or dismissal in writing, including information as to why a hearing was warranted. The Board received no further response.

As such, the Board reviewed the letter from Respondent's attorney and determined that further proceedings were not necessary, no material discrepancies had been raised, and no information was submitted in support of the need for a hearing. Furthermore, Respondent did not dispute her arrests and convictions, which form a basis for discipline in and of themselves.

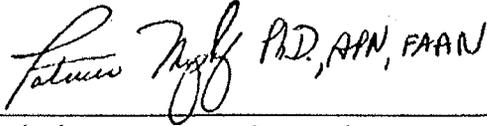
ACCORDINGLY, IT IS on this 18th day of July 2011,

ORDERED that:

1. Respondent's certification to practice as a homemaker-home health aide in the State of New Jersey is hereby suspended for a period of two (2) years.
2. Respondent shall refrain from engaging in practice as a homemaker-home health aide and shall not represent herself as a homemaker-home health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.
3. Respondent shall pay costs of the investigation in this matter in the amount of one thousand dollars (\$1,000.00), which is a portion of the cost of investigation. Payment totaling one thousand dollars (\$1,000.00) shall be made by certified check or money order payable to the "State of New Jersey," and mailed or delivered to Executive Director George Hebert, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101 no later than fifteen (15) days from the entry 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. Prior to reinstatement, Respondent must apply to the

Board, demonstrate fitness and competency to practice and demonstrate compliance with all terms of this Order, including payment of all costs and penalties. Respondent may be required to appear before the Board (or a committee thereof) to demonstrate her fitness to practice. In addition, the Board reserves the right to place restrictions on Respondent's practice should her certification be reinstated.

NEW JERSEY STATE BOARD OF NURSING

By:  Patricia Ann Murphy, PhD, APN, FAAN
Patricia Ann Murphy, PhD, APN, C
Board President