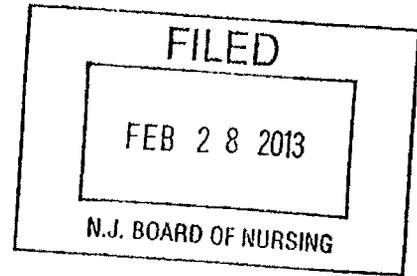


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR  
REVOCAION OF THE CERTIFICATION OF

**Kevin Tucker, C.H.H.A.  
Certificate 26NH12494900**

TO PRACTICE AS A HOMEMAKER-HOME  
HEALTH AIDE IN NEW JERSEY

Administrative Action

FINAL ORDER OF  
DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information alleging that Respondent had committed credit card fraud, which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Kevin Tucker ("Respondent") is a certified homemaker-home health aide in the State of New Jersey initially with certification number 26NH12494900.

2. On November 30, 2011<sup>1</sup>, Respondent used an unauthorized credit card to pay \$30.00 for the renewal of his C.H.H.A. license.

3. Respondent used the unauthorized card again on December 1, 2011<sup>2</sup> to buy two pairs of shoes for \$159.98.

#### CONCLUSIONS OF LAW

The above actions provide grounds to take 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) and (f) in that Respondent has engaged in the use of dishonesty, fraud, deception, misrepresentation, false promise or false pretense, and has been convicted of, or engaged in acts constituting a crime relating adversely to the activity regulated by the Board.

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline (POD) was entered by this Board on September 25, 2012 provisionally suspending for a minimum of one year Respondent's certificate to practice as a Certified Homemaker-Health Aide in the State of New Jersey. The first six months of the period of suspension to be active and the remainder stayed and served as a period of probation. The order provided that it would be subject to finalization by the Board at 5:00 p.m. on the 30th business day following its entry unless the respondent requested a modification or dismissal of the

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<sup>1</sup> In the POD this date was entered as November 30, 2012 in error, as evidenced by the date the POD was entered, September 25, 2012.

<sup>2</sup> In the POD this date was entered as December 1, 2012 in error, see footnote above.

Findings of Fact or Conclusions of Law by submitting a written request 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 her request for consideration. Copies of the Provisional Order were mailed to the respondent via certified and regular mail, return receipt requested, to her address of record.

In response to the POD, by letter dated October 9th, 2012 Respondent confirmed his use of the fraudulent credit card and requested that the active portion of his suspension be made retroactive to May 2012 or "when the license was issued to me." The respondent provided no evidence that he ceased working for the requisite six month period, beginning either in May 2012, or from the initial issuance of his license. However, he did provide a letter from his current employer highly recommending his continued certification and indicating that he has been employed at Visiting Homemaker Service of Hudson County since May 29, 2012. Respondent admitted that he used a credit card that was not his own to pay the renewal fees for his certification to practice as a homemaker home health aide. He requested that the Board make his active suspension retroactive but has not provided documentation showing that he was not working. Indeed, he has provided documentation, clearly indicating that he has been employed as a certified homemaker home health aide since May 2012.

Accordingly, it is determined that further proceedings are not necessary and that the Provisional Order should be made final.

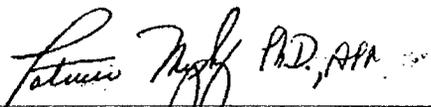
ACCORDINGLY, IT IS, on this <sup>28<sup>th</sup></sup> day of February, 2013,

ORDERED that:

1. Respondent's certification to practice as a homemaker-home health aide be and hereby is suspended for a minimum of 1 (one) year, effective upon the filing of this Order. The first six months of the period of suspension shall be active, with the remainder stayed and served as a period of probation.

2. Respondent shall refrain from engaging in the practice of certified homemaker-home health aide and shall not represent himself as a certified homemaker-home health aide until such time as his certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By:   
Patricia Murphy, PH.D., A.P.N., F.A.A.N.  
President