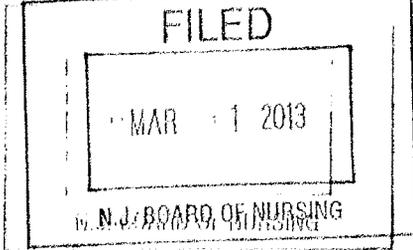
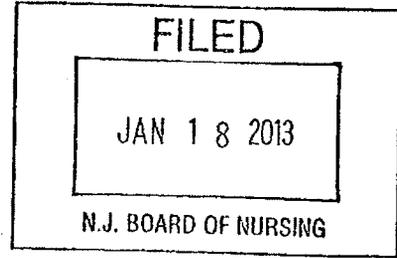


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Attorney for the Board of Nursing



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

IN THE MATTER OF THE SUSPENSION OR  
REVOCATION OF THE CERTIFICATE OF

Eva DeLiebana, C.H.H.A.  
Certificate No. 26NH11904000

HOMEMAKER HOME HEALTH AIDE  
IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION

PROVISIONAL ORDER OF DISCIPLINE

Finalized by Default on: 02/01/2013

This matter was opened to the New Jersey State Board of Nursing (the ABoard) upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Eva DeLiebana ("respondent") is the holder of Homemaker Health Aid Certificate 26NH11904000 in the State of New Jersey. Respondent failed to renew her certification, allowing it to expire as of November 30<sup>th</sup>, 2011. (Exhibit A)

2. On August 12<sup>th</sup>, 2012, the respondent was arrested by the West New York Police Department on charges of N.J.S.A. 2:20-3, N.J.S.A. 2C:20-4 Theft by Deception, N.J.S.A. 2C:21-1 Forgery, and N.J.S.A. 2C:21-17 Impersonation/Identify Theft stemming from allegations that the respondent removed and used a client's credit cards for several substantial transactions without the clients permission, caused a debit card to be issued for the client's bank account without the client's knowledge, and removed all the jewelry from the client's wall safe. The amount of theft involved is allegedly in excess of \$350,000.00 (Exhibit B).

3. Following her arrest, the respondent made a voluntary recorded sworn statement to the West New York Police wherein she admitted to using the client's credit card and ATM card without authorization and accessing the client's safe without authorization in order to take and pawn the clients jewelry. (DVD of Respondent's recorded sworn statement available to be viewed upon request, uncertified transcript of Respondent's testimony attached hereto as Exhibit C).

#### CONCLUSIONS OF LAW

The respondent's admission to using the client's credit card without authorization and to taking and pawning the clients

jewelry provide grounds to take disciplinary action the 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 of dishonesty, fraud, deception, misrepresentation, false promise or false pretense, has engaged in professional or occupational misconduct, and has engaged in acts constituting a crime relating adversely to the activity regulated by the Board.

Respondent's failure to submit her biennial renewal in New Jersey in 2011 has resulted in a lapsed certificate status and the automatic suspension of Respondent's certificate to practice as a Certified Homemaker Home Health Aide in the State of New Jersey without a hearing pursuant to N.J.S.A. 45:1 7.1(b).

ACCORDINGLY, IT IS on this 18<sup>th</sup> day of January, 2013,

ORDERED that:

1. Respondent's certification to practice as a homemaker-home health aide is revoked.

2. Respondent's certificate to practice as a certified Homemaker Home Health Aide in the State of New Jersey is suspended by operation of N.J.S.A. 45:1 7.1(b), without a hearing.

3. Respondent shall remit payment of the costs for the investigation into her actions by the Enforcement Bureau of the Division of Consumer Affairs in the amount of \$511.68, via certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after notice of the entry of any Final Order is served in this matter, including any Order which is finalized by default. 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 any Board consideration of any application of of Respondent's certification to practice as an H-H-H-Aide, respondent shall comply with the terms of her sentencing for the charges detailed above, in full.

5. Prior to Board consideration of any request for reinstatement of her certification, Respondent shall provide evidence of rehabilitation to the satisfaction of the Board and shall provide evidence that she is competent to reenter practice as a homemaker home health aide, including

completion of a homemaker home health aide training course as described in Board regulations.

6. Respondent shall refrain from engaging in the practice of homemaker-home health aide and shall not represent herself as a certified 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.

7. Respondent may request a modification or dismissal of the above stated Findings of Fact or Conclusions of Law within 30 days of the date this Provisional Order is filed by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent=s request for consideration and reasons therefore or offered in mitigation

of penalty.

8. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order will be entered.

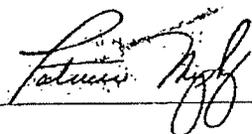
9. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

10. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact

and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By: \_\_\_\_\_

 Patricia Murphy, PhD, APN, FAAN

Patricia Murphy, PhD, APN  
President