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 MAR 22 2013
 N.J. BOARD OF NURSING

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 MAY 15 2013
 N.J. BOARD OF NURSING

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

FINAL

IN THE MATTER OF THE SUSPENSION OR :
 REVOCATION OF THE CERTIFICATE OF :
 :
 Maria Stella Delgado, C.H.H.A. : ADMINISTRATIVE
 : ACTION
 Certificate No. 26NH07488200 :
 : PROVISIONAL ORDER OF
 : DISCIPLINE
 HOMEMAKER HOME HEALTH AIDE :
 IN THE STATE OF NEW JERSEY : Finalized by Default
 on: 05/15/13

This matter was opened to the New Jersey State Board of Nursing (the "Board") 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. Maria Stella Delgado, C.H.H.A., ("Respondent") was certified as a homemaker-home health aide in the State of New Jersey on October 22, 2002 and allowed her license to lapse on November 30, 2007. (A copy of the License is attached and made a part hereto as Exhibit A).

2. On or about May 30, 2012, Respondent submitted to the Board an application for reinstatement of her certification. The Social Security Number she provided on her reinstatement application (SSN-2) is different from the Social Security Number she provided on her initial application for certification as a homemaker-home health aide (SSN-1).

3. On or about December 10, 2012, Respondent advised the Board that SSN-2 is her valid social security number and submitted a print-out from the Social Security Administration confirming the same (Copy of printout from the Social Security Administration, attached hereto as Exhibit B).

4. On or about December 10, 2012, in response to a Demand for Written Statement Under Oath, Respondent acknowledged that the social security number she provided on her initial application SSN 1 was not authorized by the Social Security Administration and that she used an Individual Taxpayer Identification Number (ITIN) instead. Respondent explained that she, "worked with the 'pin'," and obtained SSN 2 when she became a United States citizen. (Copy of Respondent's Written Statement Under Oath, attached hereto Exhibit C).

CONCLUSIONS OF LAW

Respondent's use of an unverifiable social security number in the context of her initial application for certification constitutes obtaining a certificate through fraud, deception or misrepresentation in violation of N.J.S.A. 45:1-21(a) and engaging in the use or employment of dishonesty, fraud, deception and misrepresentation in violation of N.J.S.A. 45:1-21(b).

ACCORDINGLY, IT IS on this 22nd day of March, 2013,

ORDERED that:

1. Respondent's certification to practice as a homemaker-home health aide be and hereby is provisionally suspended for two years, said suspension to be stayed in its entirety.

2. Respondent shall provisionally remit payment of a fine and penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$200.00 by certified check or money order payable to the State of New Jersey, delivered to Executive Director George Hebert, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of any Final Order of Discipline in this matter. 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.

3. Respondent's certification shall be reinstated following Respondent's completion of all application requirements

to the satisfaction of the Board and compliance with all terms of this Order, including payment of all fines and penalties.

4. Respondent shall refrain from practicing as a certified 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 said reinstatement shall constitute grounds for a charge of unlicensed practice.

5. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, 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 therefor or offered in mitigation of penalty.

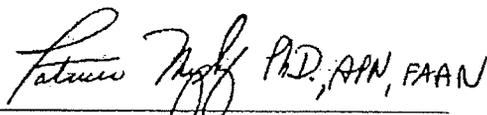
6. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit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

7. 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.

8. 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, Ph.D., APN, FAAN
President