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FILED

MAY 28 2013

N.J. BOARD OF NURSING

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

IN THE MATTER OF THE LICENSE OF

ADMINISTRATIVE ACTION

KAREN BERKHEISER, R.N.
LICENSE NO. 26NO04793300

CONSENT ORDER

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

The New Jersey State Board of Nursing is charged with the duty and responsibility of regulating the practice of nursing in the State of New Jersey pursuant to the Nurse Practice Act, N.J.S.A. 45:11-1 et seq. and regulations set forth in N.J.A.C. 13:37-14.1 et seq.

Pursuant to N.J.S.A. 45:11-23, all homemaker-home health aides (“CHHA”) are required to be certified by the Board as they are performing nursing tasks delegated by a licensed registered professional nurse. N.J.A.C. 13:37-6.2 requires that the registered professional nurse shall be responsible for exercising that degree of judgment and knowledge reasonably expected to assure that a proper delegation has been made including that a registered professional nurse may not delegate the performance of a nursing task to persons who have not been adequately prepared by verifiable training and education.

Karen Berkheiser ("Respondent") holds New Jersey license 26NO04793300 as a Registered Nurse with the Board. Respondent is employed by Affordable Senior Home Care ("Affordable") in Toms River, New Jersey as a Registered Nurse. Beginning with Affordable's initial Board registration, filed on July 1, 2006, and for every subsequent year thereafter, Respondent was identified by Affordable as its Nursing Supervisor.

Through its investigation, the Board has determined that while serving as Affordable's Nursing Supervisor, Respondent engaged in multiple violations of N.J.S.A. 45:11-23 and N.J.A.C. 13:37-6.2 by failing to ensure that aides assigned to clients who required personal care were Certified Homemaker-Home Health Aides; failing to confirm and document that the care provided did not exceed the scope of the delegated tasks and procedures; and/or that the delegated tasks were performed in a satisfactory manner.

Given the above, the Board finds that Respondent has violated the statutes and/or regulations governing the practice of nursing pursuant to N.J.S.A. 45:1-21(h).

The parties being desirous of resolving this matter, without any admissions of wrongdoing, and the Board, being satisfied that entry of the within Order obviates the need for formal proceedings, and being further satisfied that the within disposition is adequately protective of the public health, safety and welfare, and for good cause shown

IT IS, therefore, ON THIS 28 day of May, 2013, ORDERED and AGREED that:

1. Respondent is hereby reprimanded for violating the statutes and/or regulations governing the practice of nursing.
2. Respondent shall reimburse the Board's investigative costs and fees totaling

\$10,512.81 pursuant to N.J.S.A. 45:1-25(d). The payment of said costs and fees shall be suspended provided that Respondent complies with the terms of this Consent Order and the rules and regulations governing the practice of nursing in the State of New Jersey.

3. The Board shall retain jurisdiction to enforce the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Order, the Board reserves the right to bring further disciplinary action.

NEW JERSEY STATE BOARD OF NURSING
By: *Patricia Murphy, PhD, APN, FAAN*
Patricia Murphy, PhD, APN, FAAN,
President

I have read and understood
the within Order and agree to
be bound by its terms.

Karen Berkheiser, RN
Karen Berkheiser, R.N.

I hereby consent to the form and
entry of this Order.
JoAnn Pietro
JoAnn Pietro, RN, Esq.
Date: 5/21/13