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N.J. BOARD OF NURSING

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FILED  
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N.J. BOARD OF NURSING

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

**Final**

ADMINISTRATIVE ACTION

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

Ana R. Baena, C.H.H.A.  
Certificate No. 26NH13850500

PROVISIONAL ORDER OF DISCIPLINE

Finalized by Default on: 3/14/14

HOMEMAKER HOME HEALTH AIDE  
IN THE STATE OF NEW JERSEY

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. Ana R. Baena, ("Respondent") is the holder of Homemaker Health Aid Certificate 26NH13850500 in the State of New Jersey. (See L2k printout annexed hereto as *Exhibit A*).
2. On July 26, 2013 the Respondent was arrested by the

Cranford Township Police Department for one count of Fraudulent use of a credit card in violation of N.J.S.A. 2C:21-6H. (See Cranford Township Police Report, annexed hereto as *Exhibit B*, page 1).

3. The arrest stemmed from allegations that the Respondent removed cash and credit cards from the home of clients and used the credit card to make unauthorized purchases and transactions. The fraudulent charges include payment to Verizon in the amount of \$292.50 on May 25, 2013, a car-payment to Liberal Financial in the amount of \$356.34 on June 16, 2013, and charges to an online clothing store on May 9, 2013 in the amount of \$191.01. The family also states that over \$900.00 was missing in stolen cash. (See *Exhibit B*, page 2, Officer Bell's narrative).

4. An investigation was conducted by Detective Greco of the Cranford Police Department. The investigation revealed that the car-payment was made on behalf of Respondent's account, and that the clothing ordered was delivered to Respondent's home. (See *Exhibit B*, page 4).

5. Following her arrest, the Cranford Township Police Department conducted an interview with Respondent in which she denied taking any cash, but stated that the family had given her authorization to use the credit card to pay her Verizon bill. Respondent also stated that she used the credit card to make her car-payment and to purchase the clothing online, all without the family's

permission. The family denies granting any authorization of use of the credit card. (See Exhibit B, page 4).

CONCLUSIONS OF LAW

The Respondent's admitted conduct, as described herein, constitutes preliminary 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), (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.

ACCORDINGLY, IT IS on this 11 day of November, 2013,

ORDERED that:

1. Respondent's certification to practice as a homemaker-home health aide is provisionally suspended for a minimum of five years.

2. Respondent shall provisionally pay a penalty in the amount of \$1000.00, 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 Board consideration of any application of Respondent's certification to practice as a CHHA, respondent shall provide documentation showing full compliance with the terms of any criminal sentencing that may result from the charges detailed above:

5. Prior to Board consideration of any request for reinstatement of her certification, Respondent shall appear before the Board to provide evidence of rehabilitation to the satisfaction of the Board, and to show competency 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 provisionally 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