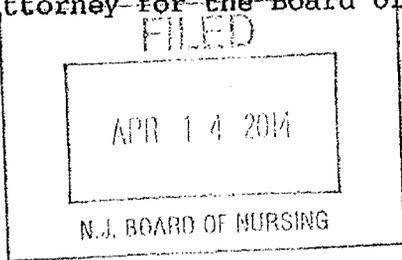
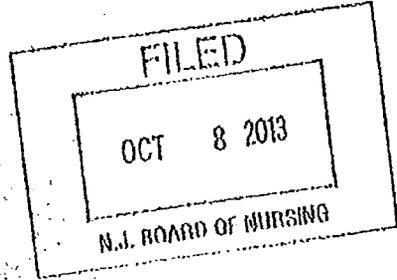


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~~Attorney for the Board of Nursing~~



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

ADMINISTRATIVE ACTION

PROVISIONAL ORDER  
OF DISCIPLINE

Hortensia Gomez De Polanco, C.H.H.A  
Certificate No. 26NH1184100

Finalized by Default on:

04/14/14

HOMEMAKER HOME HEALTH AIDE  
IN THE STATE OF NEW JERSEY

**FINAL**

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. Hortensia Gomez De Polanco ("Respondent") is a certified homemaker-home health aide in the State of New Jersey, certification number 26NH1184100. (See L2K printout,

annexed hereto as *Exhibit A*).

2. On May 18, 2012, the Board received a complaint from Respondent's employer, CareFinders, Inc., which indicated the Respondent had engaged in Sexual Misconduct, as well as Neglect of a Patient. (See Complaint of Ana C. Silva, annexed hereto as *Exhibit B*).
3. A second Complaint was received on June 25, 2012 from the mother of an 11-year-old patient, stating that Respondent had engaged in Professional Misconduct, Sexual Misconduct, and Neglect of the patient, including failure to report a severe allergic reaction. Allegations indicate that while the 11-year-old boy was under her care, Respondent neglected the patient, and instead retreated to the basement to have sexual relations with the patient's father. These facts stemmed from complaints from the boy to his mother, who then confirmed her suspicions by placing a recording device in the home. (See Complaint of Jacqueline Gambini, annexed hereto as *Exhibit C*).
4. Originally, Respondent denied all allegations, however, on May 15, 2012, after being presented with tape-recorded evidence, Respondent admitted to having an affair with the patient's father, although denied that it occurred during

work hours. (See Respondent's written confession, including Certified translation, annexed hereto as Exhibit D).

5. Respondent was terminated from her employment at CareFinders, Inc. on May 15, 2012. (See Exhibit C, page 3).

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(e) in that Respondent has engaged in professional or occupational misconduct.

ACCORDINGLY, IT IS, on this 5th day of October, 2013,

ORDERED that:

1. Respondent's certification to practice as a homemaker-home health aide be and hereby is provisionally suspended for a minimum of five (5) years.
2. Prior to Board consideration of any request for reinstatement of her certification, Respondent shall provide evidence of rehabilitation to the satisfaction of the Board, including the successful completion of a Board-approved Boundary Course, 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.

3. 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.

4. 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, 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

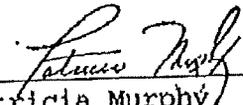
consideration and reasons therefor or offered in mitigation of penalty.

5. 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.
6. 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.
7. 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