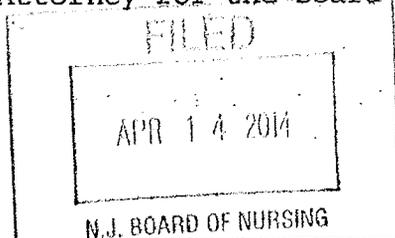
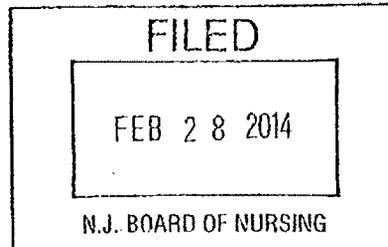


JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor,
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Nursing



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~~

Melissa Gonzalez-Torres, C.H.H.A.
Certificate No.: 26NH13592600

TO PRACTICE AS A CERTIFITED
HOMEMAKER HOME HEALTH AIDE
IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION

PROVISIONAL ORDER OF DISCIPLINE

Finalized by Default on: 2/14/14

FINAL

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. Melissa Gonzalez-Torres, ("Respondent") is the holder of Homemaker Health Aid Certificate 26NH13592600 in the State of New Jersey. (See L2k printout, Exhibit A).

2. On September 9, 2013, the Board received a Flagging Notice stating that Respondent had been arrested on September 7, 2013, by the State Police for Criminal Attempt to Possess a Controlled Dangerous Substance N.J.S.A. 2C:5-1; Criminal Attempt to Manufacture/Distribute a Controlled Substance N.J.S.A. 2C:5-1; Criminal Attempt to Engage in Unlawful Possession of a Weapon N.J.S.A. 2C:5-1. (See Flagging Notice, *Exhibit B*).

3. According to the complaint filed against Respondent, she knowingly and willingly committed the offense of distribution of heroin specifically by possessing twenty-three bricks and one bundle of suspected CDS heroin. (See Complaint Narrative Inquiry, *Exhibit C*).

4. On September 18, 2013, Respondent was sent a flagging letter requesting information about the arrest and a narrative statement detailing her version of the events. The certified mailing was returned as unclaimed, the regular mailing was not returned. Respondent has not responded to the September 18, 2013 letter of inquiry. (See Return to Sender unclaimed note, *Exhibit D*).

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, -1.3, in

violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

ACCORDINGLY, IT IS on this 28th day of February, 2014,

ORDERED that:

1. Melissa Gonzales-Torres's certification to practice as a homemaker-home health aide is provisionally suspended for failing to respond to the Board's September 18, 2013 letter flagging letter. Respondent's certification to practice as a homemaker-home health aide is provisionally suspended until respondent provides all the requested information in the flagging letter.

2. A civil penalty in the total amount of \$200.00 is provisionally imposed upon respondent for failing to cooperate with the Board. Penalty should be made 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.

3. 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.

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, 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.

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, PhD, APN
Patricia Murphy, PhD, APN
President