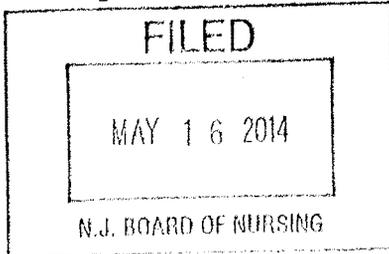
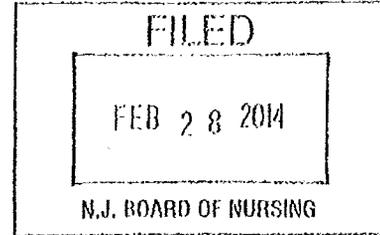


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

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

Jeanette Dieubon, C.H.H.A.
Certificate No.: 26NH10321100

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

ADMINISTRATIVE ACTION

PROVISIONAL ORDER OF DISCIPLINE

Finalized by Default on: 05/16/14

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. Jeanette Dieubon, ("Respondent") is the holder of Homemaker Health Aid Certificate 26NH10321100 in the State of New Jersey. (See L2k printout annexed hereto as *Exhibit A*).

2. On or about June 10, 2012, the Board received a complaint from Brighton Gardens of Mountainside reporting that on May 21, 2013, a gold watch had been stolen from the wrist of one of its residents. Brighton Gardens conducted an in-house investigation and the police were contacted. (See Resident/General Liability Incident Statement, *Exhibit B*).

3. On June 10, 2013, the Mountainside Police Department interviewed Respondent at the station. Respondent admitted to taking the watch but stated that she returned the watch a few days later, to an empty chair in the dining room. Respondent was arrested at the station and charged with one count of theft by unlawful taking or disposition, N.J.S.A. 2C:20-3. The watch was never found. (See Mountainside Police Report, *Exhibit C*).

4. Respondent responded to a letter sent by the Board on June 25, 2013. In her response, Respondent stated she entered the patient's room by mistake and when she realized it was a mistake, she left. She found the watch and put it in her apron with the intention to give it to someone but forgot and took the watch home. Respondent stated that once she realized that the watch was still in her apron, she returned it to the chair where the resident usually sits. (See Respondent's response, *Exhibit D*).

CONCLUSIONS OF LAW

The Respondent's admissions to the unlawful taking of the resident's gold watch constitute preliminary grounds to take disciplinary action against the 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 28th day of February, 2014,
ORDERED that:

1. Respondent's certification to practice as a homemaker-home health aide is provisionally suspended for a minimum of six (6) months and until further order of the Board.
2. Respondent shall provisionally pay a penalty in the amount of \$500.00, 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 for reinstatement of her certification to practice as a CHHA, respondent shall provide documentation showing full compliance with the terms of any criminal conviction or 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

Patricia Murphy, PhD, APN
President