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N.J. BOARD OF NURSING

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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

IN THE MATTER OF THE SUSPENSION OR:
REVOCATION OF THE CERTIFICATE OF :
:
DALIA D. FIGUEROA, CHHA :
Certificate No. 26NH12092500 :
:
TO PRACTICE AS A HOMEMAKER-HOME :
HEALTH AIDE IN THE STATE OF NEW :
JERSEY :

FINAL

ADMINISTRATIVE ACTION
PROVISIONAL ORDER OF
DISCIPLINE

Finalized by Default on: 05/16/14

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. Dalia D. Figueroa ("Respondent") is the holder of certificate number 26NH12092500 and has been certified at all times relevant hereto. (Exhibit A).

2. Upon receipt of a flagging notice indicating that Respondent was arrested on July 3, 2013 by the New Jersey State

Police, Bellmawr for violation of N.J.S.A. 2C:35-10(a)(1), Possession of a Controlled Dangerous Substance or Analog, N.J.S.A. 2C:5-2, Conspiracy to Distribute LSD/Etc., N.J.S.A. 2C:5-2, Conspiracy to Possess a Controlled Dangerous Substance on School Property, and N.J.S.A. 2C:5-2, Conspiracy to Possess/Distribute a Controlled Dangerous Substance Within 500 Feet of Public Housing, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record, 906 Alcyon Drive, Bellmawr, New Jersey 08031, via regular and certified mail on or about August 13, 2013. Both the regular and certified mailings were returned to the Board as "not deliverable as addressed - unable to forward." (Exhibit B).

3. To date, Respondent has not provided a response to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to fully 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).

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7.

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

ORDERED that:

1. Respondent's certificate to practice as a homemaker-home health aide be and hereby is provisionally suspended until such time as Respondent cooperates fully with the Board's investigation by providing the Board with the information requested in the Board's letter of inquiry.

2. Respondent shall remit payment of a monetary penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$200.00 by 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 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.

4. 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.

5. 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.

6. 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
President