

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

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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

~~N.J. BOARD OF NURSING~~
IN THE MATTER OF THE SUSPENSION OR
REVOCATION OF THE CERTIFICATE OF

JOSE THEN, C.H.H.A.
Certificate No.: 26NH10383100

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:

07/03/14

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. Jose Then, ("Respondent") is the holder of Homemaker Health Aid Certificate 26NH10383100 in the State of New Jersey. (Exhibit A).

2. The Board received a flagging notice advising that Respondent was arrested on October 10, 2013 by the New Jersey State Police for violation of N.J.S.A. 2C:35-5, Manufacture/Distribute Controlled Dangerous Substance, and N.J.S.A. 2C:5-2 Conspiracy Manufacture/Distribute Controlled dangerous Substance. The Board received a second flagging notice on the same date, advising that, on October 11, 2013, Respondent was arrested by Camden County Jail for N.J.S.A. 2C:35-5B(1), Distribute Heroin/Cocaine, 2C:5-5 Burglar's Tools, N.J.S.A. 2C:35-7.1A, Distribute Controlled Dangerous Substance Within 500 Feet of Public Housing, and N.J.S.A. 2C:35-5B(1), Distribute Heroin/Cocaine. On or about October 18, 2013, the Board sent a letter of inquiry requesting certain information and submission of documents to Respondent's address of record in Camden, New Jersey, via regular and certified mail. A response was due within twenty (20) days. The regular mailing was not returned; the certified mail was returned as "Unclaimed, 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 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 and 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 18th day of April, 2014,

ORDERED that:

1. Respondent's certification 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 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 himself as a certified homemaker-home health aide until such time as his 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.

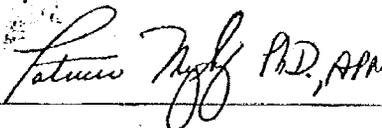
6. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law 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