



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

FINAL ORDER OF DISCIPLINE

**Nyiesha N. Hayes, C.H.H.A.**  
Certificate No. 26NH14397700

HOMEMAKER HOME HEALTH AIDE  
IN THE STATE OF NEW JERSEY

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 findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Nyiesha N. Hayes ("Respondent") is the holder of certificate number 26NH14397700 and has been certified at all times hereto.

2. Upon receipt of a flagging notice advising that Respondent was arrested on June 9, 2013 by the Irvington Police Department for violation of N.J.S.A. 2C:12-1(b), Aggravated Assault, N.J.S.A. 2C:39-5, Unlawful Possession of a Weapon, and N.J.S.A. 2C:39-4, Possession of a Weapon For Unlawful Purpose, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address

~~of record in Irvington, New Jersey, via regular and certified~~  
mail, on or about June 25, 2013. A response was due within  
twenty (20) days. The regular mailing was not returned; the  
United States Postal Service ("USPS") reports that the certified  
mailing was returned to the Board as "unclaimed".

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,-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.

#### DISCUSSION

Based on the foregoing findings and conclusions, a  
Provisional Order of Discipline seeking the suspension of  
Respondent's license to practice as a certified homemaker-home  
health aide in the State of New Jersey was entered on August 2,  
2013. A copy was forwarded to Respondent's last known address by  
means of both regular and certified mail. The regular mail was  
not returned; the certified was returned to the Board as  
"unclaimed". The Provisional Order was subject to finalization

~~by the Board at 5:00 p.m. on the 20th business day following~~

entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

In response to the Provisional Order of Discipline, Respondent provided the Board with a letter and copies of the court complaint, arrest report, and incident report. The letter indicated that she was staying at a different address and had not received the POD until August 27, 2013. In the letter, Respondent stated that she was arrested because of an argument that had occurred with her husband regarding her bank account. She stated that due to the arrest she was fired from her job when she did not report for duty. The Irvington Municipal Court reduced the charges against Respondent to Simple Assault and Menacing. Respondent belatedly cooperated with the Board's letter of inquiry dated June 25, 2013 by providing all the requested documentation.

The Board was persuaded that the submitted materials merited further consideration, since Respondent disputed the

~~Findings of Fact or Conclusions of Law, no further proceedings~~  
are necessary and the Provisional Order is made final with  
modifications.

ACCORDINGLY, IT IS on this 29<sup>th</sup> day of August, 2014,

ORDERED that:

1. 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 this 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.

NEW JERSEY STATE BOARD OF NURSING

By: \_\_\_\_\_

  
Patricia Murphy, PhD, APN  
President