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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 LICENSE OF
 Juana Barrionuevo, C.H.H.A.
 License No. 26NH08485500
 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: 09/12/14

FINAL

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Juana Barrionuevo, C.H.H.A. ("Respondent") is the holder of Homemaker-Home Health Aide certificate 26NH08485500 in

the State of New Jersey since January 28, 2004 and at all times relevant to this action. (Exhibit A).

2. On January 13, 2014, Respondent presented at the Board office to request her certificate, which had been returned by the United States Postal Service on or about November 29, 2013. Respondent identified herself with a social security number that was different than the one on record with the Board. The Executive Director was notified and the Director determined that the certificate should not be returned to Respondent until she provided the Board with a copy of her social security card, a letter from the Social Security Administration, and a letter written by Respondent explaining why she presented two different social security numbers to the Board.

3. Respondent returned to the Board office on January 17, 2014, with a printout from the Social Security Administration which confirmed that Respondent's social security number was the number she presented when she appeared at the Board office on January 13, 2014 and not the number on record with the Board staff. (Note: Respondent's name is different on the printout because she changed her name to Tarrillo when she became a citizen of the United States). Respondent also provided her Certificate of Naturalization issued on July 15, 2013. (Printout from the Social Security Administration, attached as Exhibit B).

4. Additionally, on January 17, 2014, Respondent admitted to the Board staff that she had worked as a certified homemaker-home health aide and used a fictitious social security number, while she applied for an adjustment of her immigration status. She was told to include that information in her personal letter. On January 29, 2014, Respondent returned to the Board office and provided the Board with her notarized personal letter. Respondent's letter stated that when she applied as a certified homemaker-home health aide she might have given the wrong social security number and provided her correct number. (Respondent's letter, attached as Exhibit C).

CONCLUSIONS OF LAW

Respondent's use of a social security number that did not belong to her in her initial application for certification constitutes obtaining a certificate through fraud, deception or misrepresentation in violation of N.J.S.A. 45:1-21(a) and engaging in the use or employment of dishonesty, fraud, deception or misrepresentation in violation of N.J.S.A. 45:1-21(b).

ACCORDINGLY, IT IS on this 23rd day of May, 2014,
ORDERED that:

1. Juana Barrionuevo's certificate to practice as a homemaker-home health aide be and hereby is provisionally

suspended for two (2) years, said suspension to be stayed and served as a period of probation.

2. Respondent shall remit payment of a fine and penalty pursuant to N.J.S.A. 45:1-25 in the amount of two-hundred dollars (\$200.00) for using a false social security number, by certified check or money order, payable to the State of New Jersey, delivered to Executive Director George Hebert, 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 of Discipline in this matter. 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. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

- a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, 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 of Discipline 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, FAAN
President