

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

IN THE MATTER OF THE SUSPENSION : Administrative Action
OR REVOCATION OF THE CERTIFICATE:
OF :
: **WITHDRAWAL OF**
Roxann Scott-Washington, C.H.H.A: **PROVISIONAL ORDER**
Certificate No. 26NH12077000 : **OF DISCIPLINE**
:
TO PRACTICE AS A :
CERTIFIED 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 upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Roxann Scott-Washington ("Respondent") is the holder of Homemaker Health Aide Certificate 26NH12077000 the State of New Jersey.
2. On July 2, 2013, the Board received a Flagging Notice stating that Respondent had been arrested on July 1, 2013 by the Brick Township Police Department for Aggravated Assault (N.J.S.A. 2C:12-1B(1) and Possess Weapon Unlawful Purpose

(N.J.S.A. 2C:39-4D).

3. Upon receipt of the flagging notice, the Board sent a letter of inquiry via regular and certified mail on July 10, 2013, requesting certain information and submission of documents including a narrative regarding the arrest, to Respondent's address of record in Brick, New Jersey. The regular mail was not returned to the Board and the certified mailing was delivered and signed for by an illegible signature on October 18, 2013, 2014.

4. Respondent responded to the flagging letter on November 10, 2013. In her response, Respondent stated that her arrest was due to a domestic dispute. Respondent provided the Brick Police Report, the complaint for her husband, Respondent's medical report after the incident, and her homemaker-home health aide performance evaluation. The police report stated that Respondent and her husband had an altercation. According to the Complaint, Respondent's husband smeared dog feces on Respondent's face while choking and punching her. Respondent in her narrative states that she grabbed the only thing she could, a shoe (high heel) and hit him over the head with it, causing him to need medical attention. A court date was scheduled for October 24, 2013, but Respondent's husband did not appear. It

was then adjourned to November 21, 2013.

5. As of the date of the Provisional Order, Respondent had not provided an update or a disposition of the matter, even though she was requested to do so in the October 16, 2013 flagging letter.

CONCLUSIONS OF LAW

Respondent has failed to fully respond to the Board's request for information constituting 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), and also subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on May 16, 2014, provisionally suspending respondent's certification to practice as a homemaker-home health aide, and imposing a \$200 civil penalty. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th 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.

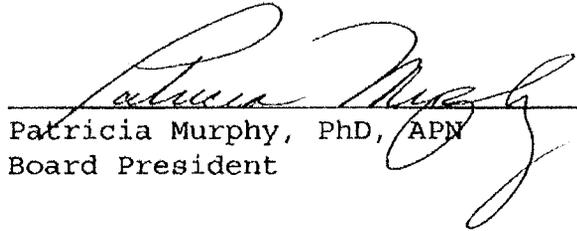
Respondent replied to the Provisional Order, and provided documentation that the charges against her had been dismissed. Respondent explained that she had assumed that the Board would have been informed of the dismissal of the charges, just as the Board had been notified of her arrest. The Board considered this matter, and determined that as respondent had timely supplied all of the requested information in response to the Board's original inquiry, and there would have been no reason for her not to notify the Board of dismissal of the charges against her, her explanation was reasonable. As respondent had ceased to practice as a homemaker-home health aide upon receipt of the Provisional Order, the Board determined that imposition of a monetary penalty in this instance would be unduly punitive, and determined that the Provisional Order of Discipline filed on May 16, 2014 should be withdrawn.

ACCORDINGLY, IT IS on this 19th day of September, 2014

ORDERED that:

1. The Provisional Order of Discipline entered on May 16, 2014 is hereby withdrawn.

NEW JERSEY STATE BOARD OF NURSING

By: 
Patricia Murphy, PhD, APN
Board President