

*Entered*



CHRIS CHRISTIE  
Governor

State of New Jersey  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
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JOHN J. HOFFMAN  
Acting Attorney General

KIM GUADAGNO  
Lt. Governor

JEFFREY S. JACOBSON  
Director

March 17, 2015

By certified and regular mail

Ms. Kenyattia Gaither  
58 Parkside Circle  
Willingboro, NJ 08046

Re: Final Order of Discipline

Dear Ms. Gaither:

Enclosed please find a copy of a Final Order of Discipline, filed by the New Jersey State Board of Nursing on March 17, 2015. By the terms of the order, your certification to practice as a homemaker-home health aide in the State of New Jersey has been suspended for a minimum period of two years.

Thank you for your attention.

Sincerely yours,

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: *Susan Carboni*  
Susan Carboni  
Deputy Attorney General

Enc.





or about February 15, 2013 requesting that Respondent provide the Board a complete explanation regarding the arrest and attach copies of all pertinent documents such as court complaint and disposition, status of the case, police report and other documents.

3. On March 20, 2013, the Board received Respondent's partial response which included a copy of the Hamilton Township Municipal Court Complaint. However, Respondent failed to provide a narrative statement, disposition of the complaint, or any of the other documents requested by the Board.

4. Respondent's prior arrest and conviction history is as follows: (a) Respondent was arrested on April 10, 2004 by members of the Maurice River Township Police Department for violation of N.J.S.A. 2C:35-10A(4) Possession Marijuana/Hash Under, N.J.S.A. 2C:35-5A(1) Manufacture/Distribute Controlled Dangerous Substance, and N.J.S.A. 2C:35-5B(14) Distribute Controlled Dangerous Substance. On September 20, 2004, Respondent was found guilty for violation of N.J.S.A. 2C:35-5B(12) Felony Conviction Distribute Marijuana; (b) Respondent was arrested on April 27, 2009 by members of the Hamilton Township Police Department for violation of N.J.S.A. 2C:15-1A(1) Robbery by Force. Respondent appeared on or about February 9, 2010 at the Hamilton Township Municipal Court, New Jersey and the N.J.S.A. 2C:12-1A Simple Assault charge was dismissed; (c) Respondent was arrested on June 30, 2010 by members of the Trenton Police Department for N.J.S.A. 2C:35-10A(4)

Possession Marijuana/Hash Under. Respondent appeared on or about December 17, 2010 at the Trenton Municipal Court, New Jersey, was found guilty for violation of N.J.S.A. 2C:35-10A(4) and was assessed seven hundred and fifty eight dollars (\$758.00); (d) Respondent was arrested on August 15, 2010 by members of the Hopewell Township Police Department for violation of N.J.S.A. 2C:5-1 Criminal Attempt Possession/Use of Controlled Dangerous Substance. Respondent appeared on or about January 25, 2011 at the Hopewell Township Municipal Court, New Jersey, was found guilty for violation of N.J.S.A. 2C:35-10A(4) Possession Marijuana/Hash Under, was sentenced to two years' probation and was assessed nine hundred and fifty eight dollars (\$958.00).

#### CONCLUSIONS OF LAW

The abovefindings of fact provide grounds for disciplinary action against Respondent's certification to practice as a homemaker-home health aide in New Jersey pursuant to N.J.S.A. 45:1-21 (f) in that Respondent has been convicted of or engaged in acts constituting crimes or offenses involving moral turpitude or relating adversely to the profession.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 26, 2013, provisionally suspending respondent's certification to practice as a certified homemaker-home health aide. A copy of the Order was served upon respondent by certified and regular mail at

respondent's address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> 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, taking responsibility for her past conduct, and noting that she has been diagnosed with PTSD and is presently under medication that eliminates her need to ingest marijuana. She also provided letters of reference attesting to her good character, personally and professionally, documentation showing her compliance with criminal sentencing requirements, and a letter indicating that she is receiving services at Greater Trenton Behavioral HealthCare. The Board considered these submissions, but also considered respondent's conviction and relapse history, including drug-related convictions in 2004, 2010 and 2011, and the lack of any submission from an addiction specialist or mental health practitioner indicating that her substance use problems were being addressed. Respondent does not specifically address her 2013 arrest. The Board was not reassured, that respondent's continued practice as a

home health aide did not present a risk to the public at this time, absent any submission from a mental health or substance abuse practitioner, and given her admitted tendency to self-medicate with marijuana. Therefore, the Board determined that the Provisional Order should be finalized without modification, imposing a minimum suspension of two years.

ACCORDINGLY, IT IS on this 17<sup>th</sup> day of March, 2015,

**ORDERED THAT:**

1) Respondent's certification to practice as a homemaker-home health aide in the State of New Jersey is hereby suspended for a minimum period of two (2) years.

2. Respondent shall refrain from engaging in practice as a homemaker-home health aide and shall not represent herself as a homemaker-home health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

3. Prior to reinstatement, Respondent shall:

- a. Appear before the Board to discuss her readiness and qualifications to practice as a certified homemaker-home health aide.
- b. Affirmatively establish her fitness, competence and capacity to re-enter active practice as a homemaker-home health aide.
- c. Affirmatively demonstrate clear and convincing evidence of rehabilitation such as attendance at support group meetings of Alcoholics Anonymous/Narcotics Anonymous or other 12-Step group

meetings and/or participation in mental health counseling.

- d. Provide documentation of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees;
- e. Provide the Board with proof of the resolution of any criminal charges filed against her and compliance with any terms imposed by the criminal authorities related to this matter.

4. Upon reinstatement of Respondent's certification to practice as a homemaker-home health aide, the Board, in its discretion, may impose any conditions or restrictions on Respondent's certification it deems necessary to protect the public health, safety and welfare.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PLD AIN  
Patricia Murphy, PhD., APN, FAAN  
President