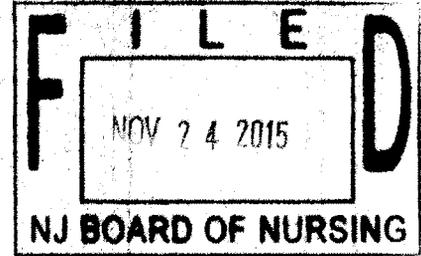


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING
DOCKET NO. BDS. 15328-2012N

IN THE MATTER OF THE SUSPENSION : Administrative Action
OR REVOCATION OF THE :
CERTIFICATION OF : CONSENT ORDER
: :
MERCY WAIRUMU KAMAU, C.H.H.A. :
CERTIFICATION NO. 26NH10382500 :
: :
TO PRACTICE AS A 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 a complaint from Janet Matson-Kuebler, co-owner of Right at Home ("RAH") in Hillsborough, New Jersey, alleging that Mercy Waizumu Kamau ("Respondent"), after being hired by RAH, gave permission to Rosemary Mutonyi ("Mutonyi") to dishonestly use her

homemaker-home health aide certification, pose as Respondent, and provide care to clients assigned to Respondent.

Specifically, Respondent was hired by RAH on or about July 17, 2008 as a live-in certified homemaker-home health aide (CHHA). Respondent accepted a position but Mutonyi took Respondent's place and represented herself as Respondent. In or about March 2009, when RAH was informed that Mutonyi was providing care to the clients to whom Respondent was assigned to provide care, RAH terminated Respondent's employment.

Having reviewed the entire record, it appears to the Board that Respondent's actions provide a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(b) in that she engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense; pursuant to N.J.S.A. 45:1-21(e) in that she engaged in professional or occupational misconduct; and pursuant to N.J.S.A. 45:1-21(n) in that she permitted and/or aided and abetted an unlicensed person in performing an act for which a certification is required by the Board.

Respondent neither admitting nor denying these allegations, but consenting to the terms of this Consent Order and waiving any right to a hearing, and the Board

finding the within disposition is adequately protective of the public health, safety and welfare, and for good cause shown:

IT IS THEREFORE ON THIS 24th DAY OF November 2015,

ORDERED:

1. Respondent Merci Wairumu Kamau is hereby reprimanded for the conduct set forth above.

2. Respondent's certification to practice as a homemaker-home health aide in the State of New Jersey shall be and hereby is suspended for a period of two (2) years, six (6) months of which shall be served as a period of active suspension and the remainder to be stayed and served as a period of probation. The suspension shall be effective thirty (30) days from the date this Order is filed. The period of active suspension will be tolled for any length of time that Respondent practices in another jurisdiction.

3. Respondent shall pay the costs of the investigation in this matter in the amount of \$3,250.00. Payment totaling \$1,000.00 shall be made no later than thirty (30) days from the entry of this Order. Payment totaling \$2,250 shall be made no later than one (1) year from the entry of this Order.

4. All payments shall be made by certified check or money order, certified check, wire transfer or credit card made payable to the State of New Jersey, delivered to Acting Executive Director Joanne Leone, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. If the form of payment as presented is other than the approved forms noted above, it will be rejected and returned to Respondent.

5. Failure to timely remit any payment due and owing by this Consent Order will result in the filing of a Certificate of Debt and such other proceedings as are permitted by law.

6. This Order is effective upon its filing with the New Jersey State Board of Nursing.

7. This Consent Order shall be a full, complete and final resolution of the Administrative Action pending in the OAL and docketed as BDS 15328-2012, except that the Board shall retain jurisdiction to enforce the terms of this Consent Order.

8. The parties hereby stipulate that entry of this Order is without prejudice to further action or investigation by this Board, the Acting Attorney General, the Director of the Division of Consumer Affairs, or any

