

within twenty (20) days. The regular mailing was not returned; the certified mailing was delivered and signed for by Respondent.

3. On July 7, 2014 the Board received a facsimile from Respondent on July 7, 2014. The facsimile contained a copy of a letter from Respondent's attorney, Rocco DePersia, to the Cherry Hill Township Municipal Prosecutor notifying the prosecutor that he represented Respondent and requesting information from the prosecutor. Respondent did not fully respond to the Board's request for information contained in its letter of inquiry, such as providing a copy of the municipal court complaint and disposition, a copy of the police report, the status of the case, a copy of any indictment, the name and address of Respondent's current homemaker employer, and a narrative of Respondent's version of the incident.

CONCLUSIONS OF LAW

Respondent's failure to fully 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 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of discipline seeking a suspension and a two hundred dollar (\$200) civil penalty was entered on August 14, 2015. A copy was

served on Respondent via regular and certified mail to her last known 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 therefore.

Respondent's attorney replied to the Provisional Order indicating Respondent's acceptance into and completion of a conditional discharge program. The Board also received a copy of the disposition. Respondent wrote to the Board apologizing for the incident, but offering no explanation of the circumstances surrounding and leading to her arrest. She also provided the name and address of her current employer. However, Respondent did not provide the police report with supporting statements, the municipal court complaint, a sufficient narrative explaining the circumstances of her arrest, her job title, dates of employment, shift, or her most recent performance evaluation.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that

the submitted materials merited further consideration, as the Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent has still failed to provide much of the information requested, the Board determined that suspension was warranted, along with the two hundred dollar civil penalty.

ACCORDINGLY, IT IS on this 5th day of May, 2016,

ORDERED that:

1. Respondent's certificate to practice as a homemaker-home health aide is hereby suspended until such time as Respondent cooperates fully with the Board's investigation by providing the Board with the information requested in the Board's letter of inquiry. Respondent shall refrain from engaging in the 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.

2. Respondent is assessed a civil penalty in the amount of two hundred dollars (\$200). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Twalema Khonje, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than

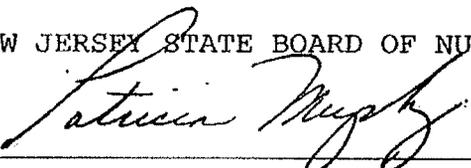
fifteen (15) days after the date of filing of a FINAL ORDER OF DISCIPLINE. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Respondent shall promptly, within 5 (five) days, mail her certificate, wall and wallet version, to practice as a homemaker-home health aide to State Board of Nursing, Attention: Twalema Khonje, P.O. Box 45010, Newark, New Jersey 07101.

4. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent ultimately provides in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By: _____


Patricia Murphy, PhD, APN
President