

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 : ADMINISTRATIVE ACTION
:
Sydney-Lee N. Cooke, C.H.H.A. :
Certificate No. 26NH14464500 :
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:
:
FINAL ORDER OF DISCIPLINE
:
:
:
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 information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Sydney-Lee N. Cooke ("Respondent") is a certified homemaker-home health aide (CHHA) in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on December 29, 2014 by the Jackson Township Police for violation of N.J.S.A. 2C:35-10A(4), Possession Of Less Than 50 Grams Marijuana/Hash Under, the Board sent a letter of inquiry, requesting certain information and

submission of documents, to Respondent's address of record in Jackson, New Jersey, via regular and certified mail on or about January 20, 2015. A response was due within twenty (20) days. The regular mailing was not returned; the certified mailing was returned as "Unclaimed."

3. On March 11, 2015, the Board received a flagging notice that Respondent was found guilty by the Jackson Municipal Court of Possession Of Less Than 50 Grams Marijuana/Hash Under, N.J.S.A. 2C:35-10A(4), and assessed a fine of \$1,183.

4. Respondent did not respond to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to 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).

Certified homemaker-home health aides provide care to some of the most vulnerable members of our society - the infirm elderly. They have unfettered access to the homes, personal possessions, bank accounts and credit cards of their elderly patients. Possible addiction to illegal substances or alcohol

raise particular concern as certificate holders who have not obtained appropriate treatment may pose a risk to the safety and security of those individuals entrusted to their care. Respondent's arrest for drug related conduct combined with her lack of cooperation with the Board's inquiry are sufficient indication that Respondent's continued practice as a homemaker home health aide may jeopardize the safety and welfare of the public such that diagnostic testing and monitoring or psychological evaluation are warranted as a condition of continued certification pursuant to N.J.S.A. 45:1-22(e) and (f) and N.J.S.A. 45:1-21(1).

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 October 23, 2015. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by 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.

In response to the Provisional Order, Respondent underwent a substance abuse biopsychosocial evaluation which concluded that she met criteria for substance abuse disorders and recommended that she obtain treatment and not be permitted to work in patient care duties. Respondent provided no other response and has failed to provide any information requested in the Board's letter of inquiry regarding her criminal case and employment.

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 Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent has not provided the information originally requested and has undergone an evaluation concluding that she has substance abuse disorders which require treatment and cessation of work in patient care, the Board determined that suspension was warranted. The Board further determined that Respondent's continued failure to respond to the Board's original inquiry warrants imposition of a two hundred dollar (\$200) civil penalty.

ACCORDINGLY, IT IS on this 18th day of May, 2016,

ORDERED that:

1. Respondent's certificate to practice as a homemaker-home health aide is hereby suspended until further Board Order and 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 and demonstrates compliance with paragraph 2 below.

2. Respondent shall:

- a. Provide the Board with evidence that she is capable of discharging the functions of a certificate holder in a manner consistent with the public's health, safety and welfare and that she is not then suffering from any impairment or limitation resulting from the use of any addictive substance which could affect her practice.
- b. Provide the Board with an in-depth, current evaluation from a licensed clinical alcohol and drug counselor or psychiatrist or psychologist knowledgeable in addiction therapy who is aware of the circumstances of Respondent's arrest and this Provisional Order of Discipline and who has been pre-approved by the Board. Respondent shall provide documentation that she has complied with all recommendations of the licensed clinical alcohol and drug counselor or psychiatrist or psychologist.
- c. Affirmatively establish her fitness, competence and capacity to re-enter the active practice as a

certified homemaker-home health aide within New Jersey.

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

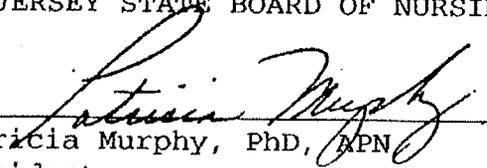
4. Respondent shall refrain from engaging in the practice as a homemaker-home health aide and shall not represent herself as a homemaker-home health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of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

5. Respondent is hereby 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 Twalema Khonje, State Board of Nursing, 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. The Board will not entertain a petition for reinstatement unless and until all civil penalties are paid in full.

NEW JERSEY STATE BOARD OF NURSING

By: _____


Patricia Murphy, PhD, APN
President