

FINAL

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

IN THE MATTER OF	:	
THE CERTIFICATION OF	:	ADMINISTRATIVE ACTION
	:	
	:	
Ruth J. Richardson, C.H.H.A.	:	
Certificate No. 26NH10499900	:	
	:	
	:	FINAL ORDER OF DISCIPLINE
	:	
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 information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Ruth J. Richardson ("Respondent") is a certified homemaker-home health aide 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 July 8, 2015 by the members of the

Fairlawn Police Department for violation of N.J.S.A. 2C:20-11B(2) (Conceal Merchandise From Store), the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Paterson, New Jersey, via regular and certified mail on or about July 15, 2015. A response was due within twenty (20) days. Both the certified and regular mailings were returned as "Forwarding Time Expired, Return to Sender."

3. On July 29, 2015, Respondent was found guilty of (1) Count of Local Ordinance Violations and she was sentenced to 60 days suspended confinement and assessed seven hundred eighty-three dollars (\$783) in fees.

4. Respondent did not reply 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).

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7,

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 of Respondent's certification, and a two hundred dollar (\$200) civil penalty was entered on January 20, 2016. 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.

Respondent replied to the Provisional Order and provided the information that the Board had originally requested in its letter of inquiry. Respondent did not reply to the Board's letter of inquiry when it was initially mailed because she had failed to timely update her address of record with the Board and did not receive the letter as it was mailed to the old address provided by Respondent. Pursuant to N.J.A.C. 13:37-5.7, certificants must notify the Board of any change of address

within thirty days and service by mail to the address provided by the certificant shall be deemed sufficient notice. Respondent did not notify the Board of her change of address until she renewed her certification in December 2015.

After Respondent belatedly updated her address, she received the Provisional Order. Respondent then provided the police report, disposition, information about her place of CHHA employment (verification of employment from July 31, 2015 - December 30, 2015), and a narrative. The documents indicate that Respondent was found guilty of an amended (downgraded) local offense and assessed seven hundred eighty-three dollars (\$783) in fines. Respondent maintained that she and a man were shopping together in Pathmark with a baby stroller. Respondent paid for some items, but left the store without paying for several items that were packed into the stroller. Respondent claims that she was unaware that the man had placed the items (worth in excess of \$200) in the stroller. Nonetheless, Respondent did leave the store without paying for the items and was found guilty of an amended offense. The Board reserves the right to initiate disciplinary proceedings based upon the information provided by Respondent in response to the Board's letter of inquiry.

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. However, the Board did determine that the Provisional Order should be finalized with modification. Inasmuch as Respondent provided the information originally requested, the Board determined that suspension was no longer warranted on that basis. However, the Board determined that Respondent's failure to update her address so that she would receive Board mailings, causing her failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a two hundred dollar (\$200) civil penalty.

ACCORDINGLY, IT IS on this 9th day of November, 2016,

ORDERED that:

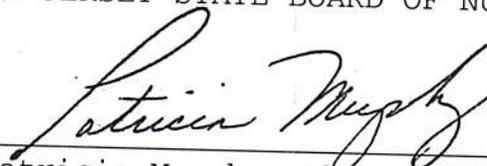
1. Respondent is assessed a civil penalty in the amount of two hundred dollars (\$200). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Twalema Khonje, State

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.

2. 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