



**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
	:	
<b>Andreca A. Noel, C.H.H.A.</b>	:	<b>FINAL ORDER OF</b>
<b>Certificate No. 26NH11517800</b>	:	<b>DISCIPLINE</b>
	:	
	:	
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. Andreca A. Noel ("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 May 6, 2015 by the Linden Police Department for violations of (1) Count N.J.S.A. 2C:29-9B,

Contempt of Court Order and (1) Count N.J.S.A. 2C:33-4A Harassment, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Elizabeth, New Jersey, via regular and certified mails on or about May 26, 2015. A response was due within twenty (20) days. The certified and regular mailings were both returned as "Return To Sender; Not Deliverable as Addressed; Unable to Forward." On June 10, 2015, another letter of inquiry was sent to Respondent at her address of record via regular and certified mailings. Both mailings were returned as "Return to Sender; Not Deliverable as Addressed; Unable to Forward."

#### **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).

#### **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 filed on March 2, 2016. Copies were served on Respondent via regular and certified mail to her new address of record in Linden, New Jersey, which Respondent had provided to the Board when she renewed her certification in November 2015. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> 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 therefor.

Respondent, through her attorney, replied to the Provisional Order, apologized for not responding to the Board's letter of inquiry sooner, and indicated that the Board's letter must have been buried in the attorney's file after the criminal matter was concluded. However, the attachments to the Provisional Order indicate that Respondent never received any of the four mailings that the Board sent to Respondent as all four mailings were returned as "undeliverable as addressed." Respondent failed to timely provide a valid address to the Board and failed to notify the Board of her updated address. 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 November 2015.

After Respondent belatedly updated her address, she received the Provisional Order. Respondent then provided a copy of the police report, municipal court complaint, disposition, final restraining order, information regarding her CHHA employment, a satisfactory performance evaluation, and a narrative of the events which led to her arrest. The documents reveal that Respondent's ex-husband alleged that Respondent violated a restraining order that the ex-husband had filed against Respondent. The matter was dismissed and Respondent obtained a final restraining order against her ex-husband.

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.

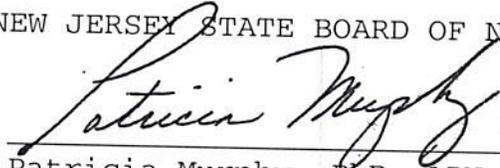
**ACCORDINGLY, IT IS on this 9<sup>th</sup> day of November, 2016,  
**ORDERED that:****

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:

  
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Patricia Murphy, PhD, APN  
President