

**FINAL**

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

IN THE MATTER OF THE SUSPENSION	:	
OF THE CERTIFICATIN OF	:	ADMINISTRATIVE ACTION
	:	
<b>Kemisha Nazaire, C.H.H.A.</b>	:	
<b>Certificate No. 26NH15616600</b>	:	
	:	
	:	<b>FINAL ORDER OF 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. Kemisha Nazaire ("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 April 10, 2015 by the members of the

Rahway Police Department for violations of N.J.S.A. 2C:12-1B(3) (Aggravated Assault Recklessly Cause Bodily Injury To Another With A Deadly Weapon), N.J.S.A. 2C:39-4D (Possess Weapon Unlawful Purpose), N.J.S.A. 2C:12-1C(1) (Assault By Auto/Vessel), N.J.S.A. 2C:17-3A(1) (Criminal Mischief With Damage), and 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 Rahway, New Jersey, via regular and certified mail on or about June 12, 2015. A response was due within twenty (20) days. The certified mailing was delivered and signed for on July 16, 2015. The regular mailing was not returned.

3. 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).

#### **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 February 18, 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 belatedly replied to the Provisional Order of Discipline with a submission delivered to the Board on July 7, 2016. Respondent provided a copy of her expired CHHA certificate and a disposition indicating that the charges of violating N.J.S.A. 2C:12-1B(2) (Aggravated Assault), N.J.S.A. 2C:39-4D (Possession of Weapon), and N.J.S.A. 2C:12-3A (Threaten to Commit Crime of Violence) were dismissed on March 7, 2016. Respondent provided no further information.

The Board's letter of inquiry enumerates eight different requests for information or documentation -- seven of which apply to Respondent as a CHHA. Respondent's reply only addressed one of the enumerated requests. The remaining six

items were left unanswered. Respondent also failed to offer any explanation as to why she did not respond to the Board's original letter of inquiry when it was mailed to her in June 2015.

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. As Respondent has failed to provide the bulk of information requested, the Board determined that suspension of Respondent's certification and imposition of the \$200 civil penalty is warranted.

**ACCORDINGLY, IT IS on this 9<sup>th</sup> day of November, 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 certified homemaker-home health aide and shall not represent herself as a certified homemaker-home health aide, which includes but is not limited to

performing delegated nursing regimens and nursing tasks delegated through the authority of a duly licensed professional nurse, until such time as her certification is reinstated. Any practice in this State as a certified homemaker-home health aide prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

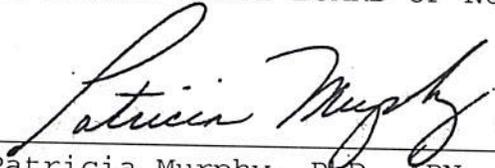
2. Respondent shall promptly, within 5 (five) days, mail her current certificate, wall and wallet version, to practice as a homemaker-home health aide to Twalema Khonje, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101.

3. 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 this 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.

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:

  
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Patricia Murphy, PhD, APN  
President