



FINAL

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
	:	
Leydy Hernandez, C.H.H.A.	:	FINAL ORDER OF
Certificate No. 26NH05862600	:	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. Leydy Hernandez ("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 June 23, 2014 by the Passaic Police for violation of N.J.S.A. 2C:17-3, Criminal Mischief, the Board sent a letter of inquiry, requesting certain information and

submission of documents, to Respondent's address of record in Passaic, New Jersey, via regular and certified mail on or about July 21, 2014. A response was due within twenty (20) days. The regular mailing was not returned; the certified mailing was delivered on July 24, 2014.

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 certification and a two hundred dollar (\$200) civil penalty was entered on April 6, 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 therefor.

Respondent replied to the Provisional Order by providing a partial response to the Board's letter of inquiry. In April 2015, she provided information indicating that on December 6, 2014, she was given a one year conditional dismissal. After Respondent was notified that she had not provided a full and complete response to the Board's letter of inquiry, she provided a supplemental response in March 2016 including the municipal court complaint, a narrative, and a disposition indicating that she had completed the conditional discharge as of December 12, 2015. She apologized for the lateness in replying, but indicated she mistakenly believed her criminal attorney would reply to the Board on her behalf.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary, but was persuaded that the submitted materials merited modification of the Provisional Order. As Respondent provided the information originally requested, the Board determined that the suspension

was no longer warranted. However, Respondent's initial failure to cooperate with the Board's investigation by responding to the letter of inquiry necessitated the filing of the Provisional Order, with concomitant expenditures of time, effort and resources. As such, the \$200 civil penalty is warranted.

**ACCORDINGLY, IT IS on this 10th day of November, 2016,
ORDERED that:**

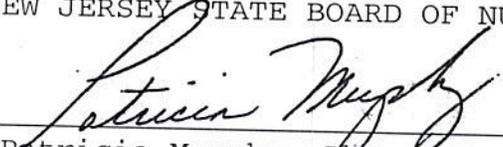
1. Respondent is assessed a civil penalty in the amount of two hundred dollars (\$200). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Twalema Khonje, State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