

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

IN THE MATTER OF THE
APPLICATION OF

SHAQUETTA T. CARR

TO PRACTICE AS A
LICENSED PRACTICAL NURSE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DENIAL OF LICENSURE**

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. Shaquetta T. Carr ("Respondent") applied for licensure as a Licensed Practical Nurse (LPN) in the State of New Jersey by means of an application dated November 7, 2013.
2. A Provisional Order of Denial of Licensure was filed by the Board on July 9, 2014, denying Respondent's application based upon the failure to disclose a shoplifting conviction on her application, and her history of repeatedly engaging in misrepresentation on her applications to the Board.
3. Respondent provided documentation that the shoplifting conviction had been expunged.

4. Respondent indicated on her application for licensure dated November 7, 2013 that she had never had a professional license or certificate of any type suspended, revoked or surrendered in New Jersey or any other state.

5. Respondent indicated on her application for licensure dated November 7, 2013 that she had never been disciplined or denied a professional license or certificate of any kind in New Jersey.

6. On November 7, 2003, Respondent had been notified that her certificate as a New Jersey homemaker-home health aide had been revoked.

7. In a letter dated May 1, 2008, Respondent was notified that a 2007 application for certification as a New Jersey homemaker-home health aide had been denied.

CONCLUSIONS OF LAW

Respondent's falsely indicating on her nursing license application that she had never been denied a professional license or certificate of any kind, and had never had a professional license or certificate of any type suspended, revoked or surrendered, constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, an Amended Provisional Order of Denial of Licensure was entered on November 14, 2014. 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.

Respondent timely replied to the Amended Provisional Order. Respondent maintained that a counsellor at her school helped her fill out the application for an LPN license. Respondent maintains that she raised issues about some of her answers, but the counsellor advised her to answer all the questions in the negative and the Board would "take care of the rest." Respondent further maintains that she mistakenly believed that the expungement of her criminal matter would also expunge her previous Board matters.

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. Respondent has engaged in an ongoing pattern of misrepresentation to this Board and is subject to enhanced penalties for repeat behavior pursuant to N.J.S.A. 45:1-25. In 1996, Respondent was issued a certification as a Home-Maker Home Health Aide (CHHA). In or around 2001, criminal history background checks became mandatory for CHHAs. Respondent signed a certification and authorization to undergo a criminal history background check and certified that she had never been arrested or convicted. That was false. Respondent had been arrested and convicted of a disqualifying crime (shoplifting). Based upon Respondent's misrepresentation and the disqualifying crime, Respondent's certification was revoked, she was assessed fifty dollars (\$50), and she was advised that the Board would not accept another application for at least two years.

Respondent applied for reinstatement of her certification in 2007. Respondent failed to learn from her prior experience and again misrepresented that she had never been arrested or convicted. Based upon Respondent's second instance of misrepresentation and the disqualifying crime, Respondent's application for reinstatement was denied, she was fined another fifty dollars (\$50), and the Board advised that she would have to demonstrate clear and convincing evidence of rehabilitation if she ever chose to submit another application.

In 2008, Respondent had the criminal matter expunged. She applied for her LPN license in 2013. Respondent repeated the conduct in which she had previously engaged, and for the third time, Respondent engaged in misrepresentation – in her answers to at least four questions. First, she was asked if she ever held a professional license or certificate of any kind in New Jersey or anywhere? She falsely answered no. She failed to disclose that she had a certificate as a Homemaker Home Health Aide. She failed to disclose the type of certificate, the number of the certificate, the state that issued the certificate, and the dates that the certificate issued and expired.¹ Second, Respondent was asked if she had ever been disciplined or denied a professional certificate of any kind in New Jersey or anywhere? Third, Respondent was asked if she ever had a professional certificate of any type revoked in New Jersey or anywhere? Fourth, Respondent was asked whether any action (including the assessment of fines and penalties) had ever been taken against her professional practice by any certification board in New Jersey or anywhere? Respondent falsely answered no to all three of those questions, as her certificate as a CHHA had been revoked, she had been

¹ Subsequent to the submission of her application for an LPN license, Respondent was issued a license as a skin care specialist on July 14, 2014 by the New Jersey State Board of Cosmetology and Hairstyling.

assessed costs and fines of \$50 on two different occasions, and her application for reinstatement of her certificate had been denied.

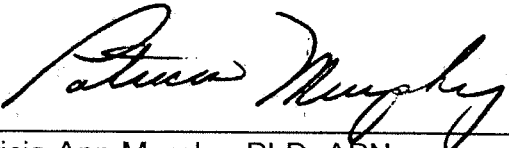
Respondent's inability to learn from past experiences, and third instance of misrepresentation to this Board, lead to the determination that Respondent's application should be denied. Nursing is a trustworthy profession. Respondent's repeated failure to be truthful and forthcoming does not instill a sense of trust. Respondent cannot merely claim that she was relying on a school counsellor's advise to check "no" to all answers when she had been disciplined, revoked, and denied based upon providing false answers on two occasions in the past. Similarly, Respondent's contention that she thought the expungement of her criminal matter would also expunge her Board matters does not deserve merit. First, there is no expungement process for administrative matters. Second, although the disqualifying crime was expunged, the Board's previous decisions were also based upon Respondent's misrepresentation, which would not and cannot be expunged.

ACCORDINGLY, IT IS on this 23rd day of April, 2015,

ORDERED that:

1. Respondent's application for licensure as a Licensed Practical Nurse in the State of New Jersey is hereby denied.

NEW JERSEY STATE BOARD OF NURSING

By: 
Patricia Ann Murphy, PhD, APN
Board President