



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 CERTIFICATE OF

Lucy A. Rusinski, C.H.H.A.
Certificate No. 26NH15729500

TO PRACTICE AS A CERTIFIED
HOMEMAKER-HOME HEALTH AIDE
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER OF DISCIPLINE

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 preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Lucy A. Rusinski ("Respondent") is the holder of Homemaker-Home Health Aide Certificate No. 26NH15729500 in the State of New Jersey, having been certified on or about March 23, 2015.

2. The Board received information that Respondent was arrested on January 15, 2017, by members of the New Jersey State Police - Casino Gambling Bureau, for violation of N.J.S.A. 2C:34-1(b)(8), Prostitution/Offer Sex in Exchange for Something of Economic Value.

3. On or about January 30, 2017, the Board sent a letter of inquiry to Respondent requesting specific information and the submission of documents relating to Respondent's arrest. The letter was sent to Respondent's address of record in Toms River, New Jersey, via regular and certified mail, and a response was due within twenty (20) days. The certified mail was delivered and acknowledged received; the regular mailing was not returned.

4. On February 6, 2017, the Board received a letter from Terrance Turnbach, Esq., stating he would be representing Respondent in the pending legal matter in Atlantic City Municipal Court, and that Respondent had pled not guilty. Mr. Turnbach stated Respondent would fully cooperate with the Board's investigation, but the Board received no subsequent response from either Respondent or Mr. Turnbach.

SUBSEQUENT PROCEDURAL HISTORY

On December 21, 2017, the Attorney General filed a Provisional Order of Discipline regarding Respondent's certificate to practice as a certified homemaker-home health aide in New Jersey, based on the findings of fact above and the conclusions of law detailed below. A copy was served on Respondent at her address of record in Toms River, New Jersey. The Provisional Order sought the suspension of Respondent's certification as a homemaker-home health aide until such time as

Respondent cooperates fully with the Board's investigation by providing the remaining information requested in the Board's letter of inquiry, and sought to impose a two hundred and fifty dollar (\$250.00) penalty for failing to adequately respond to the Board's request.

The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following its entry unless Respondent submitted a written request for modification or dismissal of the stated findings of fact or conclusions of law to the Board before that deadline, setting forth any and all reasons for modification or dismissal, and including any and all documents or other evidence supporting Respondent's request for reconsideration.

DISCUSSION

In response to the Provisional Order Respondent provided, through her attorney, a copy of the court complaint, court disposition indicating that Respondent pled guilty to the charge and was granted a Conditional Dismissal, and information regarding Respondent's current employer. Respondent also provided a copy of the police report which indicated she offered an undercover detective sex in exchange for money.

The Board has considered Respondent's submissions and determined that further proceedings on this matter are not necessary. Respondent timely responded to the Provisional Order

and substantially complied with the Board's request for information regarding the arrest. The Board hereby concludes that Respondent's certificate to practice as a certified homemaker-home health aide should not be suspended for her initial failure to cooperate with a Board investigation, but that Respondent should be assessed a civil administrative penalty for the same, which resulted in formal disciplinary action and the expenditure of Board resources.

CONCLUSIONS OF LAW

1. Respondent's failure to fully respond to the Board's initial request for information constitutes a failure to cooperate with a Board investigation, in violation of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems to be professional misconduct pursuant to N.J.S.A. 45:1-21(e), and which thereby subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

ACCORDINGLY, IT IS ON THIS 26th **day of** March **2018,**
HEREBY ORDERED THAT:

1. Pursuant to N.J.S.A. 45:1-25, Respondent is assessed a civil penalty in the amount of two hundred and fifty dollars (\$250.00) for failure to cooperate with a Board investigation. Payment shall be made not later than fifteen (15) days from the date of entry of this Final Order of Discipline, and tendered in

the form of bank check, money order, certified check made payable to "State of New Jersey," or by wire transfer or credit card. Payment tendered in any other form will be rejected, returned and deemed unremitted. All payments shall be forwarded to the attention of the Executive Director, State Board of Nursing, 124 Halsey Street, P.O. Box 45010, Newark, New Jersey 07101. 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, interest will accrue in accordance with R. 4:42-11 of the current New Jersey Court Rules, and the Board may bring such other proceedings as authorized by law.

2. The Board reserves the right to initiate disciplinary proceedings based upon information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By: Barbara Blozen Ed.D. MA RN-BC CNL
Barbara B. Blozen, Ed.D, MA, RN-BC, CNL
Board President