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

IN THE MATTER OF THE
CERTIFICATE OF

Josefina Milagros Brito De Fernandez
License No.: 26NH16790500

**INTERIM CONSENT ORDER OF
VOLUNTARY SURRENDER
OF CERTIFICATION**

TO PRACTICE AS A HOMEMAKER –
HOME HEALTH AIDE THE STATE OF
NEW JERSEY

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information that, on or about May 15, 2020, Josefina Milagros Brito De Fernandez ("Respondent") was arrested by members of the Camden County Police Department and charged with violation of N.J.S.A. 2C:12-2, Recklessly Endangering Another. The charges are based on allegations that Respondent failed to wear a mask or personal protective equipment while caring for her 80 year old patient during the COVID-19 pandemic and that she continued this practice even after Respondent and

Respondent's husband experienced symptoms associated with COVID-19. Respondent's patient later died of COVID-19.

The allegations, if proven, would disqualify Respondent from certification pursuant to N.J.S.A. 45:11-24.3 and demonstrate that Respondent has engaged in an act constituting a crime or offense involving moral turpitude or relating adversely to the activity regulated by the Board, in violation of N.J.S.A. 45:1-21(f). providing bases for disciplinary action against Respondent's certification.

It appearing that Respondent agrees to voluntarily enter into an interim agreement temporarily surrendering her certification, to be deemed a suspension, without making admissions and without prejudice to her ability to defend any action brought based on the above allegations, and the Board finding the within disposition adequately protective of the public health, safety and welfare, and for good cause shown;

IT IS THEREFORE ON THIS 15th **day of** JUNE, 2020,

ORDERED:

1. Respondent is hereby granted leave and shall immediately surrender her certification to practice as a homemaker-home health aide in the State of New Jersey pending disposition of any criminal charges against her, satisfaction of any criminal penalties imposed upon her and further order of the Board. Said surrender shall be deemed a temporary suspension of Respondent's certification.

2. Respondent shall, contemporaneously with the signing of this Order, forward her homemaker-home health aide certificate, both wallet and wall versions, to Joanne Magrath, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101.

3. Respondent shall immediately cease and desist from holding herself out as a certified homemaker-home health aide in the State of New Jersey and/or practicing as a certified homemaker-home health aide, which includes but is not limited to performing delegated nursing regimens or nursing tasks delegated through the authority of a duly licensed professional nurse pending further order of the Board.

4. Nothing contained herein shall be deemed an admission of liability on the part of Respondent.

5. The entry of the within Order is without prejudice to the further investigation and/or prosecution of any violations by Respondent of any statutes or regulations governing homemaker-home health aide practice in the State of New Jersey or any other violations of law, by the Board, the Attorney General, or any other regulatory or law enforcement agency, including, but not limited to, any pending matters under investigation.

6. Nothing herein shall preclude the Board from initiating further disciplinary action based upon any of the conduct that Respondent is alleged to have engaged in as set forth above.

7. In the event that Respondent seeks reinstatement of her New Jersey certification in the future, at the Board's discretion, Respondent shall:

a. Appear before the Board to discuss her readiness to reenter practice as a homemaker-home health aide.

b. Provide the Board with evidence that she is capable of discharging the functions of a certificate holder in a manner consistent with the public's health, safety and welfare.

c. Provide the Board with documentation evidencing how all criminal charges brought against Respondent were adjudicated/resolved and that Respondent has satisfied any criminal penalties imposed on her..

8. The Board reserves the right to place restrictions and/or limitations upon Respondent's certification to practice as a homemaker-home health aide in the State of New Jersey in the event that her certification is reinstated.

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

I have read and understand
the above Consent Order and
I agree to abide by its terms.
Consent is hereby given to the
Board to enter this Order.

Josefina Brito
Josefina Milagros Brito De Fernandez
06/11/2020
Date

I consent to the form of this Order

Tert Lodge
Tert Lodge, Esq.
06/12/2020
Date