



State of New Jersey
DEPARTMENT OF HEALTH
PO BOX 358
TRENTON, N.J. 08625-0358
www.nj.gov/health

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SHEREEF M. ELNAHAL, MD, MBA
Acting Commissioner

February 16, 2018

Cheryl Powell

RE: Summary Suspension
Cheryl Powell
Certification # NA 191766

Enclosed is an Order of Summary Suspension, issued under authority of N.J.A.C. 8:39-43.5(b). Specifically, it is alleged that you physically and mentally abused a resident who was entrusted to your care. As of your receipt of this Order, your nurse aide certification is no longer valid. However, you have thirty (30) days from the date you receive this notice to appeal this summary suspension to the Commissioner of the Department of Health, as set forth in the enclosed Order. Please review the Order carefully, as failure to submit a written request for emergency relief within 30 days from the date of receipt of this Order shall be interpreted as an acceptance of this Department's decision to summarily suspend your nurse aide certification pending completion of the investigation, thereby forfeiting all rights to emergency relief.

Should you have any questions regarding this Order, please contact me in the Office of Program Compliance at (609) 984-8128.

Sincerely,


Gene Rosenblum, Director
Program Compliance and Health Care Financing
Division of Certificate of Need & Licensing
New Jersey Department of Health

GR/jlm

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IN THE MATTER OF:

Cheryl Powell)	ORDER OF SUMMARY
Certified Nurse Aide)	SUSPENSION OF NURSE AIDE
Certification No. NA 191766		

TO: Cheryl Powell

TAKE NOTICE that, in accordance with the authority set forth in N.J.S.A. 26:1A-1 et seq., N.J.S.A. 26:2H-1 et seq., and the provisions set forth at N.J.A.C. 8:39-43.5(b), the New Jersey Department of Health (hereinafter, "the Department") hereby

FINDS that you, Cheryl Powell, Certification No. NA 191766, are a certified nurse aide within the State of New Jersey, which certification entitles you to obtain and/or maintain employment at nursing homes and other long-term care health care facilities, where your duties include the provision of direct, hand-to-hand care to elderly, often vulnerable, residents of said nursing homes and other long-term care health care facilities; and the Department further

FINDS that credible evidence exists that while you were working as a certified nurse aide at Crystal Lake Healthcare, 395 Lakeside Boulevard, Bayville, and caring for vulnerable residents entrusted to your care, you physically, verbally and mentally abused a resident on January 26, 2018. Specifically, it is alleged that you refused to permit a resident to exit the elevator on the second floor as she wished. Thereafter, it is alleged you became verbally and physically aggressive with the resident, including forcefully guiding her to exit the elevator on the fourth floor, causing her to fall to her knees, yelling at the resident and forcefully removing the resident's hands from her walker, causing her to fall backwards and to strike her head. As a result of this incident, you were charged by the Berkeley Township Police Department with Simple Assault under N.J.S.A. 2C:12-1a(1). Because of this incident, you caused physical and emotional injuries to the resident; and the Department further

FINDS that you pose an immediate threat to the health, safety and welfare of the public, including residents of long term care facilities, assisted living facilities and other licensed health care facilities or agencies, including home health agencies that provide in-home care, and that you shall be immediately suspended from eligibility for employment as a nurse aide, pursuant to N.J.A.C. 8:39-43.5(b).

NOW, THEREFORE, it is hereby administratively

ORDERED that your certification to work as a certified nurse aide in a long-term care facility, assisted living facility and other licensed health care facility or agency, is hereby **SUMMARILY SUSPENDED**, and your certification shall remain suspended until such time as the Department has completed its investigation into this matter; and it is further administratively

ORDERED that, in the interim, the Department will continue to investigate this matter. You will be notified when the Department has completed its investigation, at which time you will be advised of what action(s), if any, will be taken with respect to your nurse aide certification.

TAKE NOTICE THAT in accordance with the provisions set forth in N.J.A.C. 8:39-43.5(b), you have thirty (30) days from the date of receipt of this notice to request an expedited hearing to appeal this summary suspension to the Commissioner of the Department of Health. Any such hearing shall be conducted at the New Jersey Office of Administrative Law, and shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and N.J.S.A. 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1 et seq. A request for an expedited hearing shall be made in writing and sent to:

Attention: OAL Expedited Hearing Requests
Office of Legal & Regulatory Compliance - Room 805
New Jersey State Department of Health
P.O. Box 360
Trenton, New Jersey 08625-0360

Failure to submit a written request for emergency relief within 30 days from the date of receipt of this Order shall be interpreted as an acceptance of this Department's decision to summarily suspend your nurse aide certification pending completion of the investigation, thereby forfeiting all rights to emergency relief. If you have any questions concerning this matter, please contact the Department of Health at (609) 984-8128.

DATED: February 16, 2018



Gene Rosenblum, Director
Office of Program Compliance and
Health Care Financing
Division of Certificate of
Need & Licensing

GR:ilm