



State of New Jersey
DEPARTMENT OF HEALTH

PO BOX 358
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www.nj.gov/health

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SHEREEF M. ELNAHAL, MD, MBA
Commissioner

: Notice of Revocation
: of Nurse Aide Certification

Neville Dixon

The Centers for Medicare and Medicaid Services (CMS) of the U.S. Department of Health and Human Services, under authority of federal law, imposes a requirement on state governments (42 C.F.R. Part 483, et al.) to ensure that nurse aides have the education and clinical skills necessary to care for residents of long term care facilities. These regulations also require that each State maintain a nurse aide registry, which, pursuant to 42 C.F.R. 483.156(c)(iv), must contain all substantiated findings by the State of resident abuse, resident neglect, or misappropriation of resident property by a certified nurse aide.

The Certification Program of the New Jersey State Department of Health (Department) was notified of the results of an investigation conducted by a representative of Preakness Healthcare Center in which sufficient information was obtained to substantiate charges of neglect and abuse committed by you on November 17, 2017 while you were employed at Preakness Healthcare Center.

Subsequently, on June 4, 2018, a hearing was conducted to determine if you neglected and abused a resident while employed at the above facility. On July 10, 2018, the Administrative Law Judge, Ernest M. Bongiovanni, issued an Initial Decision concluding that the Department had met its burden of proving that your actions rose to the level of neglect as defined in 42 C.F.R. 488.301 and ordered that the finding of neglect be placed on the registry and that your nurse aide certification be revoked for one year. Judge Bongiovanni did not find that the Department sustained its burden of proving the allegation of abuse, and that no finding of abuse should be placed on the New Jersey Nurse Aide Registry. On August 23, 2018, the Commissioner of the Department issued a Final Agency Decision adopting the administrative law judge's findings of fact and

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conclusions of law that you committed an act of neglect against a nursing home resident. Pursuant to the Final Agency Decision, the Commissioner ordered that a finding of neglect be placed next to your name on the registry and further ordered that, after one year from the date that the finding is placed next to your name on the registry, you may petition the Department to have the finding removed.

Therefore, in accordance with 42 C.F.R. 483.156(c)(iv), please be advised that the finding of neglect was included next to your name on the registry on August 28, 2018. The finding of neglect will be placed next to your name on the registry for a minimum of one year pursuant to 42 U.S.C. §1395 i-3 (g)(1)(D). You have the right to make a written request to the Department to remove the finding of neglect from the registry one year after the date of the original placement. If the Department grants your request, the Department will remove the finding of neglect from the registry.

Please be advised that your nurse aide certification is revoked. Pursuant to N.J.A.C. 8:39-43.1(a)(1), only individuals who maintain a currently valid nurse aide certificate and are registered in good standing on the registry are considered by the Department to be competent to work as a nurse aide in a licensed long term care facility, assisted living facility and other licensed health care facility or agency. A certified nurse aide is no longer registered in good standing if a finding of abuse or neglect by the certified nurse aide is included on the registry. Therefore, as long as a finding of neglect remains next to your name on the registry, you are prohibited from employment as a certified nurse aide and from caring for residents and patients in a licensed long term care facility, assisted living facility or other licensed health care facility or agency.

In accordance with 42 C.F.R. 483.156 and N.J.A.C. 8:39-43.7, you are entitled to submit a written statement contesting the findings noted above. This statement will be maintained on the registry. If you wish to submit such a written statement, you must do so within 20 days of the date of this letter. Your letter should reference "Notice of Revocation of Nurse Aide Certificate: Contested Findings". Please forward this statement along with your certificate and your wallet card to Lisa King at the address listed above.

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Please surrender your nurse aide certificate and nurse aide wallet card to:

Office of Program Compliance-Reporting
25 S. Stockton Street
P O Box 358
Trenton, NJ 08625-0358

The certificate and the wallet card are no longer valid.

Sincerely,



Lisa King, Program Manager
Office of Program Compliance
Division of Certificate of Need and
Licensing

LK/bg
DATE: August 28, 2018
UPS Tracking # 1ZF0889A0194854461