



State of New Jersey  
DEPARTMENT OF HEALTH

PO BOX 358  
TRENTON, N.J. 08625-0358

[www.nj.gov/health](http://www.nj.gov/health)

December 12, 2018

SHEREEF M. ELNAHAL, MD, MBA  
Commissioner

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

Kephine Ogutu

RE: **Summary Suspension**  
Kephine Ogutu  
Certification # NA 200003540

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 committed aggravated assault and caused bodily injury by use of a deadly weapon. You stabbed your neighbor in the stomach with a knife and damaged your neighbor's colon which required surgery. You were charged, November 27, 2018, by the Jersey City Police Department with 3<sup>rd</sup> Degree Aggravated Assault, N.J.S.A. 2C:12-1B(2), for purposely or knowingly causing bodily injury with a deadly weapon, 4<sup>th</sup> Degree Unlawful Possession of a Weapon, N.J.S.A. 2C:39-5D, for knowingly possessing a weapon, a knife, under circumstances not manifestly appropriate for lawful use and stabbing the victim in the stomach, injuring his colon, and 2<sup>nd</sup> Degree Weapon Possession, N.J.S.A. 2C:39-4.1B, for unlawfully using a knife to stab the victim in the stomach.

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  
Office of Program Compliance  
Division of Certificate of Need & Licensing  
New Jersey Department of Health

GR/jn

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Commissioner

IN THE MATTER OF:

Kephine Ogutu  
Certified Nurse Aide  
Certification No. NA 200003540

)  
)

ORDER OF SUMMARY  
SUSPENSION OF NURSE AIDE

TO: Kephine Ogutu

**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, Kephine Ogutu, Certification No. NA 200003540, 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 you committed aggravated assault and caused bodily injury by use of a deadly weapon. You stabbed your neighbor in the stomach with a knife and damaged your neighbor's colon which required surgery. You were charged, November 27, 2018, by the Jersey City Police Department with 3<sup>rd</sup> Degree Aggravated Assault, N.J.S.A. 2C:12-1B(2), for purposely or knowingly causing bodily injury with a deadly weapon, 4<sup>th</sup> Degree Unlawful Possession of a Weapon, N.J.S.A. 2C:39-5D, for knowingly possessing a weapon, a knife, under circumstances not manifestly appropriate for lawful use and stabbing the victim in the stomach, injuring his colon, and 2<sup>nd</sup> Degree Weapon Possession, N.J.S.A. 2C:39-4.1B, for unlawfully using a knife to stab the victim in the stomach; 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

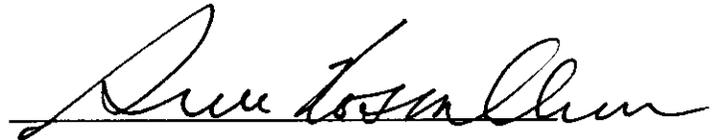
**ORDERED** that, in the interim, the Department will continue to investigate this matter. You will be notified when the Department has completed its investigation, at which time you will be advised of what action(s), if any, will be taken with respect to your nurse aide certification.

**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

Please be advised that the Summary Suspension will **not** be lifted during the appeal process. 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 Lisa King at (609)-984-8128.

DATED: December 12, 2018



Gene Rosenblum, Director  
Office of Program Compliance  
Division of Certificate of  
Need & Licensing