



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
Commissioner

January 31, 2019

Amber DeVito

RE: **Summary Suspension**
Amber DeVito
Certification # NA 8687342

Enclosed is an Order of Summary Suspension, issued under authority of N.J.A.C. 8:39-43.5(b). Credible evidence exists that you were arrested on November 19, 2018, and charged with violation of N.J.S.A. 2C:20-4(a) (Theft by Deception), N.J.S.A. 2C:5-2(a) (Conspiracy), and N.J.S.A. 2C:21-1(a) (Forgery), each a crime of the third degree, relating to the theft of \$12,500 from homeowners.

As of your receipt of this Order, your nurse aide certification is no longer valid. 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. Failure to submit a timely written request for emergency relief within 30 days from the date of receipt of this Order shall be considered 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. In addition, even if you do appeal, your certification will remain suspended pending the issuance of a final agency decision, and therefore you cannot work as a certified nurse aide.

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

Sincerely,

Lisa King, Regulatory Officer
Division of Certificate of Need & Licensing
New Jersey Department of Health

LK/jlm
UPS TRACKING # and First Class Mail

IN THE MATTER OF:

Amber DeVito)	ORDER OF SUMMARY
Certified Nurse Aide)	SUSPENSION OF
Certification No. NA 8687342)	NURSE AIDE

TO: Amber DeVito

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, Amber DeVito, Certification No. NA 8687342, 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 were arrested on November 19, 2018 and charged with violation of N.J.S.A. 2C:20-4(a) (Theft by Deception), N.J.S.A. 2C:5-2(a) (Conspiracy), and N.J.S.A. 2C:21-1(a) (Forgery), each a crime of the third degree. Complaint No. S 2018 000132 charges you with "knowingly and purposely committing the offense of theft by deception, specifically by taking advantage of and deceiving the homeowners..., who were mentally incapable, specifically by offering false tree trimming services in the amount of \$12,500." The complaint further charges you with conspiring "with another person or persons to commit theft by deception." Finally, the complaint charges you with "commit[ing] the offense of forgery specifically by uttering three checks totaling \$12,500 belonging to victim knowingly that they were mentally incapable of authorizing same," 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 notice and 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. In addition, even if you do appeal, please be advised that your certification will remain suspended pending the final agency decision, and therefore you cannot work as a certified nurse aide. If you have any questions concerning this matter, please contact the Department of Health at (609) 984-8128.

DATED: January 31, 2019



Lisa King, Regulatory Officer
Division of Certificate of
Need & Licensing

LK:jlh