

**FILED**

**MAY 29 2019**

**New Jersey Board of Nursing**

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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 SUSPENSION  
OR REVOCATION OF THE LICENSE AND  
CERTIFICATE OF

**KIMBLIN COWINS, L.P.N.**  
KIMBLIN COWINS, L.P.N.  
LICENSE NO. 26NH12953500  
CERTIFICATE NO. 26NP07537500

TO PRACTICE NURSING AND BE A  
CERTIFIED HOMEMAKER-HOME HEALTH  
AIDE IN THE STATE OF NEW JERSEY

Administrative Action

**ADMINISTRATIVE  
COMPLAINT**  
(Verified as to Count I)

GURBIR S. GREWAL, Attorney General of New Jersey, by Alina Wells, Deputy Attorney General, with offices located at 124 Halsey Street, Fifth Floor, Newark, New Jersey, upon information and belief, by way of Complaint verified as to Count I, says:

**GENERAL ALLEGATIONS**

1. Complainant, Gurbir S. Grewal, Attorney General of New Jersey, is charged with enforcing the laws of the State of New Jersey, pursuant to N.J.S.A. 52:17A-4(h), and is empowered to initiate administrative disciplinary proceedings against persons licensed by the

New Jersey State Board of Nursing (the "Board") pursuant to N.J.S.A. 45:1-14 et seq.

2. The Board is charged with the duty and responsibility of regulating the practice of Licensed Practical Nurses and Certified Homemaker-Home Health Aides in the State of New Jersey pursuant to N.J.S.A. 45:1-14 et seq. and N.J.S.A. 45:14B-1 et seq.

3. Respondent, Kimblin Cowins, is a licensee of the Board of Nursing as a Licensed Practical Nurse ("L.P.N."). Respondent holds license no. 26NP07537500 which is currently active. (Nursing license status is attached as Exhibit A to the Certification of DAG Alina Wells, dated DATE, 2019 ("Wells Cert.")).

4. Respondent Cowins was previously a licensee of the Board of Nursing as a Certified Homemaker-Home Health Aide ("CHHA"). Respondent held certificate no. 26NH12953500 which expired on November 30, 2017. (CHHA certification status is attached as Exhibit B to Wells Cert.)

5. Respondent maintains a principal address of 75 Shady Lane, Hamburg, New Jersey, 07419. (See Exhibit A, Wells Cert.)

6. Initials are being used in this Complaint to protect the confidentiality of patients referenced herein as J.C. and M.C. These patients' identities are known by the Respondent and have been made known to the Board.

#### COUNT I

7. Complainant repeats and realleges the General Allegations above as if fully set forth herein.

8. Respondent applied to the Board for a license as a L.P.N. on April 11, 2017. At that time, she responded to the question "Have you ever been named as a defendant in any litigation related to the practice of nursing or other professional practice in New Jersey, any other state, the District of Columbia or in any other jurisdiction?" Respondent answered, "N", for No. (Online licensing questionnaire is attached as Exhibit C to Wells Cert.)

9. In 2014, Respondent was named as a Defendant in an action in New Jersey Superior Court, Law Division, Sussex County, Docket No. SSX-L-753-15. (Case summary is attached as Exhibit D to Wells Cert.)

10. In 2015, Respondent was named as a Defendant in an action in New Jersey Superior Court, Chancery Division, Passaic County, Docket No. PAS-C-71-14. (Case summary is attached as Exhibit E to Wells Cert.)

11. Both actions stemmed from Respondent's employment as a CHHA in the home of sisters J.C. and M.C. (Copies of the Complaints are attached as F and G, respectively, to Wells Cert.) The Passaic action alleged that Respondent named herself as beneficiary of M.C.'s annuities, while M.C. was in hospice care. The Sussex action alleged that Respondent made unauthorized purchases for her own benefit, including appliances for her home and dental work for herself, using J.C.'s funds.

12. Both cases were still pending when, on April 11, 2017, Respondent denied having ever been named as a defendant in any litigation related to the practice of nursing or other professional practice in New Jersey, any other state, the District of Columbia or in any other jurisdiction.

13. N.J.S.A. 45:11-26(a)(2) requires nursing applicants be "of good moral character". By lying on her application, Respondent demonstrated that she is not of good moral character, and thus should not have been licensed by the State of New Jersey.

14. By lying on her licensing application and failing to disclose that she had been named as a defendant in two Superior Court lawsuits related to her practice as a CHHA in New Jersey, Respondent obtained her L.P.N. license 'through fraud, deception, or misrepresentation' in violation of N.J.S.A. 45:1-21(a).

15. The actions of Respondent described herein evidence conduct which supports the revocation of Respondent's license under N.J.S.A. 45:1-21(a).

## COUNT II

16. Complainant repeats and realleges the General Allegations and the allegations of Count I, above, as if fully set forth herein.

17. Respondent was originally placed in J.C.'s home to care for J.C., 87 years old, and her sister, M.C., 88 years old, by the Griswold Agency in Fall, 2013.

18. In late 2013, Respondent became a live-in caregiver, having previously been an hourly caregiver.

19. M.C. died on May 16, 2014.

20. Prior to M.C.'s death, Respondent completed forms changing the beneficiaries on three annuity contracts with American Equity Investment Life Insurance Company owned by M.C. to name herself as a beneficiary.

21. At the time the changes were made, M.C. was in hospice care, where she was being treated with morphine. She was unable to feed herself or communicate.

22. On July 31, 2018, Hon. Thomas J. La Conte, P.J.Ch. granted Summary Judgment in PAS-C-71-14 finding that Respondent unduly influenced M.C. to change the beneficiary on the three annuity contracts.

23. Respondent in her role as M.C.'s CHHA exerted undue influence upon M.C. by changing three annuity contracts to name Respondent as the beneficiary.

24. Respondent's actions constitute engaging in the use or employment of dishonesty and deception in violation of N.J.S.A. 45:1-21(b) and occupational misconduct, in violation of N.J.S.A. 45:1-21(e).

25. The actions of Respondent described herein evidence conduct which supports the revocation of Respondent's license and CHHA certification under N.J.S.A. 45:1-21(b) and (e).

### COUNT III

26. Complainant repeats and realleges the General Allegations and the allegations of Counts I and II, above, as if fully set forth herein.

27. During the period of her employment by J.C., Respondent made purchases on J.C.'s credit card to benefit Cowins' home, including the purchase of several appliances.

28. Respondent used J.C.'s Discover credit card without J.C.'s knowledge or permission to purchase for herself items, including but not limited to, jewelry, tires, tile, and prescriptions, totaling more than \$5,000 at Home Depot and Sears, among other stores.

29. Respondent used J.C.'s checking account without J.C.'s knowledge or permission to pay more than \$3,000 owed on her own Chase credit card.

30. Respondent used funds from J.C. without J.C.'s knowledge or permission to pay for personal expenses, including but not limited to, postal services, Verizon services, and dental care.

31. Following her termination from employment on July 16, 2014, Respondent used J.C.'s debit card without J.C.'s knowledge or permission to withdraw more than \$4,000 from J.C.'s Wells Fargo bank account.

32. Respondent induced J.C. to give her Power of Attorney over J.C.'s finances and bank accounts.

33. Respondent induced J.C. to name her Co-Executrix of J.C.'s will.

34. Respondent's actions with regard to J.C. constitute fraud and deception in violation of N.J.S.A. 45:1-21(b) and professional misconduct, in violation of N.J.S.A. 45:1-21(e).

35. The actions of Respondent described herein evidence conduct which supports the revocation of Respondent's license and CHHA certification under N.J.S.A. 45:1-21(b) and (e).

#### COUNT IV

36. Complainant repeats and realleges the General Allegations and the allegations of Counts I through III, above, as if fully set forth herein.

37. Respondent was employed by her CHHA agency from Fall, 2013 to May 22, 2014.

38. Respondent knew she was not to become involved with J.C.'s financial affairs.

39. Respondent handled finances for J.C.

40. Respondent violated her agency's rules by handling J.C.'s financial affairs.

41. Respondent's actions constitute occupational misconduct, in violation of N.J.S.A. 45:1-21(e).

#### COUNT V

42. Complainant repeats and realleges the General Allegations and the allegations of Counts I through IV, above, as if fully set forth herein.

43. On May 22, 2014, J.C. bought out Respondent's contract with the Griswold Agency for \$6,000. From that date to July 16, 2014, Respondent was independently employed by J.C.

44. The contract between J.C. and Respondent was drafted by Respondent in May 2014, and included the following provisions: (a) 2 year contract, to be terminated only upon the death of J.C.; (b) Respondent had tenant's rights to J.C.'s condo; (c) J.C. agreed to pay or reimburse Respondent for four (4) new tires and brakes for driving J.C.; and (d) Respondent was to receive a weekly \$100 allowance for food.

45. By operating without the guidance of a licensed CHHA agency, as required by the very definition of CHHA in N.J.A.C. 13:37-14.2, Respondent violated the licensing scheme for CHHAs, in violation of N.J.S.A. 45:1-21(h) and engaged in professional and/or occupational misconduct in violation of N.J.S.A. 45:1-21(e).

WHEREFORE, Complainant Attorney General respectfully demands the entry of an order against Respondent Kimblin Cowins, L.P.N., as follows:

1. For the revocation or suspension of Respondent's license to practice nursing as a Licensed Practical Nurse and certificate to act as a Certified Homemaker-Home Health Aide pursuant to N.J.S.A. 45:1-21;

2. Imposing penalties upon the Respondent for each separate offense set forth herein, pursuant to N.J.S.A. 45:1-18.1 et seq., N.J.S.A. 45:1-22(b) and N.J.S.A. 45:1-25;

3. Imposing costs upon the Respondent, including investigative costs, fees for expert witnesses, attorney's fees and costs of hearing, such as transcript costs, pursuant to N.J.S.A. 45:1-25(d); and

4. For such other and further relief as the Board shall deem just and appropriate.

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY

By: Alina Wells  
Alina Wells  
Deputy Attorney General

Dated: May 29, 2019