

**FILED**

June 30, 2021

Division of Consumer Affairs

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street – 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for New Jersey Division of Consumer Affairs

By: Donna J. Dorgan  
Deputy Attorney General  
(973) 648-3546

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
DOCKET NO: 21-002

IN THE MATTER OF THE  
REGISTRATION OF

NJ GOLDEN HOME CARE  
CORPORATION

AS A HEALTH CARE SERVICE FIRM  
IN THE STATE OF NEW JERSEY.

Administrative Action

**PROVISIONAL ORDER OF  
REVOCATION OF REGISTRATION**

This matter was presented to the New Jersey Division of Consumer Affairs, Office of Consumer Protection (“Division”), upon an inspection and investigation of NJ Golden Home Care Corporation (“Respondent”), with its principal place of business at 910 Bergen Avenue, Suite 206, Jersey City, New Jersey 07306. Upon review of the documents, including the certifications of Investigator Maureen P. Browne (“Investigator Browne”), Investigator Kathleen Cefalu (“Investigator Cefalu”), Assistant Deputy Diana Petrella, and Licensing Supervisor Virginia Burks, the following findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

### **Respondent's Registration as a Health Care Service Firm**

1. Respondent was incorporated in New Jersey on June 23, 2014 (Certification of Diana Petrella, dated June 17, 2021 ("Petrella Cert.") ¶ 6, Exh. A, attached hereto as Exhibit 1).

2. On or about May 20, 2015, Respondent filed an initial application with the Division for registration as a Health Care Service Firm ("HCSF") ("Initial Application") pursuant to N.J.S.A. 34:8-45.1 and N.J.A.C. 13:3B-13.3 (Petrella Cert. ¶ 4, Exh. A). Respondent's application identified Hatem Abdelaziz as the owner/principal of Respondent (Petrella Cert. ¶¶ 5, 13, Exhs. A, B, C). 7. Hatem Abdelaziz also is the owner of another HCSF, Nora Home Care LLC, which has been registered with the Division since February 2019 (Petrella Cert. ¶ 14).

3. On or about July 20, 2015, the Division issued to Respondent an HCSF registration bearing number HPO209000 (Petrella Cert. ¶ 8).

4. As required by N.J.A.C. 13:45B-13.5, Respondent has renewed its registration annually, and Respondent's current HCSF registration is valid through June 30, 2021 (Petrella Cert. ¶ 9).

5. Respondent's renewal applications since 2015 have identified Hatem Abdelaziz as the owner/principal of Respondent (Petrella Cert. ¶¶ 5, 13, Exhs. A, B, and C).

6. An HCSF must have a Health Care Practitioner Supervisor who is either a New Jersey licensed physician or a registered nurse pursuant to N.J.A.C. 13:45B-14.3. The HCSF must provide the name and license for the Health Care Practitioner Supervisor to the Division with its annual registration. If the HCSF does not, then its renewal will be denied (Petrella Cert. ¶ 10).

7. Respondent's Initial Application included a notarized affidavit of Ikenna Ozims dated May 20, 2015, indicating Ozims was a Registered Nurse and Respondent's Health Care Practitioner Supervisor. The application attached a copy of Ozims's license from the New Jersey Board of Nursing ("BON") (Petrella Cert. ¶ 7, Exh. A).

8. Respondent submitted an HCSF renewal application dated April 9, 2019 for the period from July 1, 2019 to June 30, 2020, which included a copy of Jo-Ann J. Hawkins John's ("John") Registered Nurse license bearing an expiration date of May 31, 2020 (Petrella Cert. ¶ 11, Exh. B).

9. Respondent submitted an HCSF renewal application dated April 16, 2020 for the period from July 1, 2020 to June 30, 2021, which included a copy the Registered Nurse license bearing an expiration date of May 31, 2022, for Patrick Henriques ("Henriques") (Petrella Cert. ¶ 12, Exh. C).

**2018 Notice of Violation and Agreement by Respondent to Cease and Desist**

10. The Division conducted an inspection of Respondent on September 27, 2018 (Certification of Investigator Maureen P. Browne, dated June 16, 2021 ("Browne Cert.") ¶ 29, Exh. D, attached hereto as Exhibit 2.)

11. On November 28, 2018, the Division issued a Notice of Violation and Offer of Settlement ("NOV") to Respondent for violations of the Private Employment Agency Act, N.J.S.A. 34:8-43 to -66, and the Regulations Governing Placement of Health Care Practitioners, N.J.A.C. 13:45B-14.1 to -14.9 ("Placement Regulations") (Browne Cert. ¶ 28, Exh. D).

12. The NOV cited Respondent for failure to conduct an assessment of the plan of care ("POC") at least once during each 30-day period and/or failure to record the responses received, in violation of N.J.A.C. 13:45B-14.9(c) and (d) (Browne Cert. ¶ 29, Exh. D).

13. The NOV also cited Respondent for failure to conduct on-site, in home evaluations of the POC at least once during each 60-day period in violation of N.J.A.C. 13:45B-14.9(g) (Browne Cert. ¶ 29, Exh. D).

14. Respondent's owner, Hatem Abdelaziz, did not contest the violations set forth in the NOV. Abdelaziz signed an answering certification dated December 31, 2018 in which he acknowledged the violations and agreed to cease and desist from any further violations of the Private Employment Agency Act and the Regulations Governing Personnel Services (Browne Cert. ¶ 30, Exh. D).

15. Respondent paid the \$4,000 civil penalty assessed in the NOV with a check dated December 28, 2018 (Browne Cert. ¶ 30, Exh. D).

#### **2020 Investigations and Inspection of Respondent**

16. On December 10, 2020, Investigator Browne conducted an inspection of Respondent at its principal place of business at 910 Bergen Avenue, Suite 206, Jersey City, New Jersey 07306 ("HCSF Inspection"). Investigator Browne's findings have been memorialized in an HCSF Inspection Report (Browne Cert. ¶ 3, Exh. A).

17. On December 10, 2020, Investigator Cefalu, an investigator with the New Jersey Office of the Attorney General, Division of Consumer Affairs, Enforcement Bureau, was present at Respondent's principal place of business to conduct a civil investigation of Respondent on behalf of the BON (Certification of Investigator Kathleen Cefalu, Registered Nurse, dated June 17, 2021 ("Cefalu Cert.") ¶¶ 2, 3 and attached hereto as Exhibit 3).

18. On December 10, 2020, Hatem Abdelaziz, the owner of Respondent and Nora Home Care, LLC, (Petrella Cert. ¶¶ 4 and 14), was not present at 910 Bergen Avenue (Browne Cert. ¶ 7).

19. On March 16, 2021, Investigators Walter Mazariegos and Cefalu, interviewed Henriques and prepared a written statement as part of the Division's investigation of the Respondent (Cefalu Cert. ¶ 5). Henriques' reviewed the statement, signed the statement and certified to the truth of the facts contained in the written statement of the March 16, 2021 interview (Cefalu Cert. ¶ 5, Exh. A-1).

20. On April 16, 2021, Investigators Matthew Conicella and Cefalu interviewed John as part of the Division's investigation of the Respondent (Cefalu Cert. ¶ 6). During the April 16, 2021 interview, John provided a handwritten statement and swore to the truth of the facts in the statement (Cefalu Cert. ¶ 6, Exh. B-1).

**Respondent's False, Deceptive and Misleading Submissions to the Division with its HCSF Renewal**

21. During her April 16, 2021 interview, John stated that she gave Respondent a copy of her nursing license when she applied for a per diem position with Respondent but denied working as either a supervisor or Director of Nursing for Respondent. Further, John denied that Respondent was authorized to submit her license to the Division (Cefalu Cert. ¶ 11, Exh. B-1).

22. During the April 16, 2021 interview, John stated that she worked intermittently as a part-time per diem nurse in a non-supervisory capacity for Respondent (Cefalu Cert. ¶ 12, Exh. B-2).

23. Respondent's HCSF Renewal Application, dated April 9, 2019 for the period of July 1, 2019 to June 30, 2020, included a copy of Jo-Ann J. Hawkins John's BON Registered Nurse license 26NO08789800 with an expiration date of May 31, 2020. The Division would have rejected the renewal application if Respondent did not include a copy of the license for a physician or registered nurse who would serve as the Health Care Practitioner Supervisor pursuant to N.J.A.C. 13:45B-14.3(f) (Petrella Cert. ¶¶ 10, 11).

24. Respondent falsely, deceptively, and misleadingly submitted and/or intentionally misused John's nursing license when it submitted her license to the Division as part of its HCSF registration renewal in order to deceive the Division into concluding that a Health Care Practitioner Supervisor had been hired in 2019.

**Respondent's False, Deceptive and Misleading Submissions to the BON**

25. An HCSF may employ Certified Homemaker-Home Health Aides ("CHHA"), who provide care under the supervision of the Health Care Practitioner Supervisor. N.J.A.C. 13:45B-14.7(b)-(c). The BON oversees the certification of CHHA pursuant to N.J.S.A. 45:11-24(d)(20).

26. The BON requires a CHHA applicant to complete a Homemaker-Home Health Aide Training Program ("Training Program"), a competency evaluation pursuant to N.J.A.C. 13:37-14.4(j), and a criminal history background check before the BON certifies the applicant as a CHHA as set forth in N.J.A.C. 13:37-14.9. The BON issues, suspends, and revokes certifications for CHHA pursuant to N.J.S.A. 45:11-24(d)(24).

27. All Training Programs must receive authorization from the BON. The entities offering a Training Program must submit a "Homemaker-Home Health Aid Training Program Application" to the BON before they can commence training pursuant to N.J.A.C. 13:37-14.4(a) (Burks Cert. ¶ 6).

28. The BON requires that the content of the Training Program given to CHHAs meet the standards set forth in N.J.A.C. 13:37-14.4 (Burks Cert. ¶ 7). Every Training Program must have a "Program Coordinator" as defined in N.J.A.C. 13:37-14.7 and a "Program Instructor" as defined by N.J.A.C. 13:37-14.8. The Program Coordinator must have a bachelors or higher degree in nursing (Burks Cert ¶ 8).

29. The entities offering Training Programs must submit to the BON a list of individuals who have completed the Training Program on the Homemaker-Home Health Aide Training Program Conditional Certification Eligibility List form and the form must be signed by the Program Coordinator (Burks Cert. ¶ 9). The Program Coordinator also must submit to the BON an individual Letter of Completion for each individual who has completed successfully the Training Program (Burks Cert. ¶ 10). Respondent employs CHHA and places them into home care settings (Browne Cert. ¶ 11).

30. Respondent applied to the BON to provide Training Programs to CHHA applicants (Certification of Virginia Burks, dated June 17, 2021 (“Burks Cert.”) ¶ 11, Exh. D, attached hereto as Exhibit 4).

31. Respondent submitted to the BON a Homemaker-Home Health Aide Training Program Application to provide eleven Training Program classes in 2020 and Henriques is identified as the Program Coordinator and Program Instructor for the all of the classes (Burks Cert. ¶¶ 11, 12, Exh. A).

32. During his March 16, 2021, interview, Henriques denied that he authorized Respondent to apply to the BON for the title of Program Coordinator or Homemaker-Home Health Aide Training Instructor on his behalf (Cefalu Cert. ¶ 16, Exh. A-1, page 15 at 28-37). Henriques denied that he taught any Training Program courses for Respondent and stated that Respondent cancelled the Training Programs during 2020 (Cefalu Cert. ¶¶ 17, 19, Exh. A-1, page 15, 19).

33. Respondent submitted to the BON lists of individuals who allegedly completed the Training Programs on Homemaker-Home Health Aide Training Program Conditional Certification Eligibility Lists for classes completed on February 21, 2020, March 23, 2020, April

24, 2020, May 27, 2020, June 25, 2020, July 24, 2020, August 21, 2020, September 18, 2020, and October 23, 2020, and November 20, 2020. Respondent's 2020 class completion lists had Henriques signature as Program Coordinator (Cefalu ¶ 18, Exh. A-3; Burks Cert. ¶¶ 13, 14 Exh. B).

34. Henriques stated that his signatures on the 2020 the Homemaker-Home Health Aide Training Program Conditional Certification Eligibility Lists were forgeries (Cefalu Cert. ¶ 20, Exh. A-1, page 18 at 31-37).

35. Respondent submitted numerous Letters of Completion for the Training Program participants to the BON on Respondent's letterhead in 2020, including a Letter of Completion for Doha Allahham for a November 20, 2020 Training Program purportedly signed by Henriques (Burks Cert. ¶¶ 15, 16, Exh. C).

36. After reviewing the Letter of Completion for Doha Allahham during his March 16, 2021 interview, Henriques stated that his signature was a forgery (Cefalu Cert. ¶ 21, Exh. A-1, page 16).

37. The Letter of Completion for Doha Allahham is one of many Letters of Completion submitted by Respondent to the BON in 2020. The BON has received additional Letters of Completion with 2020 dates that Henriques purportedly signed for classes taught during 2020 (Burks Cert. ¶¶ 15, 16, Exh. C).

38. Based upon Henrique's statement that no classes were taught during the pandemic in 2020, the additional Letters of Completion that were submitted to the BON are presumed to be false, deceptive or misleading. (Cefalu Cert. ¶¶ 17, 22, Exh. A-1, page 19 at 12-18).



39. Respondent therefore has submitted documentation to the BON, which it knew or had reason to know was false, deceptive or misleading, to obtain approval for its Training Program and to obtain certification of Homemaker-Home Health Aides in violation of N.J.A.C. 13:45B-14.3(b).

**Respondent Failed to Assess and Monitor in Accordance with Regulations**

40. Pursuant to N.J.A.C. 13:45B-14.9(a), “[p]rior to referring or placing a health care practitioner in a home care setting, a[] [HCSF] shall assure that an appropriately licensed person evaluates the patient's needs and establishes, in writing, a plan of care. The health care practitioner preparing the plan of care shall sign it and indicate thereon his or her license designation.”

41. A health care practitioner supervisor “shall, not less than once during each 30-day period during which the health care practitioner is rendering services in the home care setting” inquire about the adequacy of the plan of care and “whether the plan of care is being discharged appropriately by the health care practitioner.” N.J.A.C. 13:45B-14.9(c).

42. At least once during every 60-day period, the health care practitioner supervisor also “shall make an on-site, in home evaluation of the plan of care.” N.J.A.C. 13:45B-14.9(g). On March 25, 2020, the Division temporarily waived the requirement that health care practitioner supervisors make *on-site, in home* evaluations of the POC, but continued the requirement that the POC be evaluated not less than once during each 60 day period pursuant to N.J.A.C. 13:45B-14.9(g).

43. During an interview with investigators on March 16, 2021, Henriques admitted that Respondent violated several regulations governing the assessment of clients and that the owner, Hatem Abdelaziz, was aware of the ongoing violations (Cefalu Cert. ¶ 26, Exh. A-1,

pages 7-8). This conduct violated Respondent's prior agreement to cease and desist from committing any violations of the Private Employment Agency Act and the Placement Regulations in response to a NOV in 2018 (Browne Cert. ¶ 30, Exh. D; Browne Cert. ¶ 31).

44. Henriques stated that sometimes Respondent placed home health care practitioners into patient homes before a registered nurse could do an assessment; thus, the Respondent failed to provide written assessments of patient needs in a POC prior to placing health care practitioners in patient homes in violation of N.J.A.C. 13:45B-14.9(a) (Cefalu Cert. ¶ 27, Exh. A-1, pages 7-8).

45. Henriques stated that Respondent failed to conduct, at least once during each 30-day period during which the health care practitioner is rendering services, an assessment of the POC to determine if it is adequate to meet the patient's needs in violation of N.J.A.C. 13:45B-14.9(c) (Cefalu Cert. ¶ 28, Exh. A-1 pages 7-8).

46. Henriques further stated that Respondent often failed to conduct evaluations of the POC at least once during each 60-day period during which Respondent had placed a health care practitioner in a home care setting (Cefalu Cert. ¶ 29, Exh. A-1, page 8).

47. Henriques stated that Hatem Abdelaziz was aware that CHHAs were placed into homes prior to a written assessment, POCs were not reviewed at least once during each 30-day period, and on-site in-home evaluations were not being done at least once during each 60-day period (Cefalu Cert. ¶¶ 26, 27, 28, 29, Exh. A-1 pages 7-8).

### **Respondent's Deficient Records**

48. Respondent also was deficient in its record keeping. During her December 10, 2020 inspection, Investigator Browne attempted to identify and to review records relating to the Healthcare Practitioner Supervisor and any additional nurses on staff; however, these records

were not located, even though HCSFs are required to have a Health Care Practitioner Supervisor pursuant to N.J.A.C. 13:45B-14.3(c) (Browne Cert. ¶ 9, Exh. A, Sections 4 and 5).

49. Investigator Browne also reviewed Respondent’s patient files. After randomly selecting five client records, Investigator Browne reviewed the contents of the records and noted many discrepancies (Browne Cert. ¶¶ 10, 11, Exh. A, Section 6).

50. For example, Respondent failed to create a signed POC by an appropriately licensed person prior to placing a health care practitioner into a home care setting for each of the five clients in violation of N.J.A.C. 13:45B-14.9(a). (Browne Cert. ¶ 24, Exh. A, Section 6 and Exh. C, column titled “Plan of Care prior to placement”).

51. Respondent failed to conduct a review of the POC not less than once during each 30-day period on a regular basis for two of the five clients, in violation of N.J.A.C. 13:45B-14.9(c) (Brown Cert. ¶ 25, Exh. A, Section 6 and Exh. C, column titled “POC review every 30 days”).

52. Respondent failed to conduct not less than once during each 60-day period an evaluation of the POC for each of the five clients, in violation of N.J.A.C. 13:45B-14.9(g) (Brown Cert. ¶ 26, Exh. A, Section 6 and Exh. C, column titled “POC 60-Day review”). Investigator Browne’s key findings are summarized on spreadsheets attached to her Certification titled “Employee File Analysis – Exhibit B” and “Patient File Analysis – Exhibit C” (Browne Cert. ¶ 12, Exhs. B and C).

53. For the five clients, Investigator Browne identified thirteen separate caregivers. Investigator Browne was able to review records for only four of its thirteen employees; nine of the thirteen caregivers’ records were not located (Browne Cert. ¶¶ 11, 12, Exh. A, Section 6, and Exh. B).

54. For the four employees for whom Investigator Browne located records, Investigator Browne determined that Respondent failed to collect required information from the employees on their application forms. Specifically, the employees failed to identify: (a) the social security number on one application, in violation of N.J.A.C. 13:45B-14.2(a)(1); (b) the BON's license number on two applications, in violation of N.J.A.C. 13:45B-14.2(a)(5); (c) the license expiration date on one application, in violation of N.J.A.C. 13:45B-14.2(a)(6); (d) the employee's one-year employment history preceding the date of the application on one application, in violation of N.J.A.C. 13:45B-14.2(a)(7); and (e) the applicant's former supervisors for one employee, in violation of N.J.A.C. 13:45B-14.2(a)(7) (Browne Cert. ¶¶ 14, 15, 16, 17, and 18, Exh. A, Section 6 and Exh. B).

55. Respondent failed to document that it verified the information provided by its employees prior to hiring them, including failing to: (a) verify two of the four employees' work history in violation of N.J.A.C. 13:45B-14.6; (b) verify the license and maintain a copy of the verification documents for two of the four employees in violation of N.J.A.C. 13:45B-14.4(d); and (c) identify the person who performed the verification of the license status for all four employees prior to the referral or placement, in violation of N.J.A.C. 13:45B-14.4(e) (Browne Cert. ¶¶ 19, 20, 21, Exh. A, Section 6 and Exh. B).

56. For the nine employees for whom no records were located during her December 10, 2020 inspection, Investigator Browne confirmed that at least one employee who had been assigned to a patient's home, Nerissa Perez, was not a CHHA (Browne Cert. ¶ 22, Exh. A Section 6, and Exh. C).

55. The Licensing Supervisor who oversees registration of CHHA for the Division has confirmed that Nerissa Perez is not certified (Burks Cert. ¶ 17).

56. Investigator Browne's review of patient and employee records corroborates Henriques' statement that Respondent failed to properly evaluate and monitor patients (Cefalu ¶¶ 25 to 30, Exh. A-1, pages 7-8).

### **DISCUSSION**

The Division has considered the status of Respondent's HCSF Registration, conjunction with the information stated above, to determine whether Respondent's HCSF Registration should be revoked pursuant to N.J.S.A. 34:8-53 and N.J.A.C. 13:45B-16.1(f) for having failed to operate in a manner consistent with the applicable laws and regulations.

The Division has preliminarily determined that the deficiencies detailed above, particularly the submission of false, deceptive, or misleading documents to the Division, the engagement in dishonest and deceptive behavior, the failure to maintain a Registered Nurse to oversee patient care, the failure to maintain both personnel and patient records, the placement of a non-licensed/certified caregiver into patient homes, and the failure to abide by a prior order of the Division to cease and desist, constitute good cause for the provisional revocation of the Respondent's HCSF Registration pursuant to N.J.S.A. 34:8-53. It is in the public interest to revoke Respondent's Registration.

Permitting Respondent to enjoy the benefits of HCSF registration, while submitting false, deceptive, or misleading documents to the Division, and while neglecting the basic care of the clients who have placed their trust in Respondent, would frustrate the meaning and purpose of the Private Employment Agency Act, N.J.S.A. 34:8-43 to -66, the Regulations Governing Personnel Services, N.J.A.C. 13:45B-1.1 to -16.2, including the Regulations Governing Health Care Service Firms, N.J.A.C. 13:45B-13.1 to -13.8, and/or the Regulations Governing Placement of Health Care Practitioners, N.J.A.C. 13:45B-14.1 to -14.9.

**PRELIMINARY CONCLUSIONS OF LAW**

The above preliminary findings of fact provide grounds for revoking Respondent's HCSF Registration, pursuant to N.J.S.A. 34:8-53 and N.J.A.C. 13:45B-16.1(f), in that Respondent operated in a manner contrary to the applicable regulations and in violation of the terms which had been agreed to by Respondent's owner and were incorporated in a previous NOV of the Division.

**ACCORDINGLY, IT IS** on this 30<sup>th</sup> day of June, 2021

**ORDERED** that:

I. Respondent's registration as a HCSF in New Jersey is hereby **PROVISIONALLY** revoked;

II. The within Order shall be subject to finalization by the Division at 5:00 p.m. on the 30<sup>th</sup> day following entry hereof unless Respondent submits a request for a modification or dismissal of the above-stated Findings of Fact or Conclusions of Law by:

a. Submitting a written request for modification or dismissal to James Rodriguez, Clerk, Regulated Business Section, Division of Consumer Affairs, P.O. Box 45025, 124 Halsey Street, Newark, New Jersey 07101; and

b. Setting forth in writing any and all reasons why these findings and conclusions should be modified or dismissed or whether mitigation should be considered; and

c. Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore.

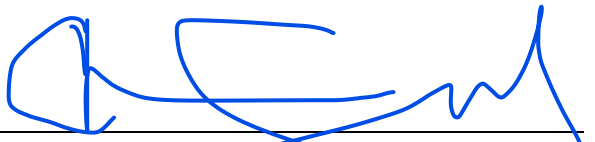
III. Any submissions as outlined in Paragraph II above received within the thirty (30) day period, together with any additional evidence submitted by Respondent, will be reviewed by the Acting Director or her designee and the Acting Director or her

designee will thereafter determine if further proceedings are necessary. If the Acting Director or her designee is not persuaded that the submitted materials merit further consideration, a Final Order of Revocation will be entered.

IV. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, Respondent shall be notified. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained in this Order shall serve as notice of the factual and legal allegations in the proceeding.

V. If Respondent fails to respond to this Order, the suspension shall be made permanent by the entry of a Final Order of Revocation.

NEW JERSEY DIVISION OF CONSUMER AFFAIRS

By:   
CHRISTOPHER W. GEROLD, CHIEF  
New Jersey Bureau of Securities  
On behalf of the Division of Consumer Affairs.