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**FILED**

June 30, 2021

Division of Consumer Affairs

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
DOCKET NO: 21-003

IN THE MATTER OF THE  
REGISTRATION OF

NORA HOME CARE LLC

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 Nora Home Care LLC (“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:

**PRELIMINARY FINDINGS OF FACT**

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

1. Respondent was formed as a limited liability company in New Jersey on November 13, 2018 (Certification of Diana Petrella, dated June 17, 2021 ("Petrella Cert.") ¶ 5, Exh. A, attached hereto as Exhibit 1).

2. In November 2018, 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. ¶ 3, Exh. A). Respondent's Initial Application identified Hatem Abdelaziz as the owner/principal of Respondent (Petrella Cert. ¶ 4, Exhs. A). Hatem Abdelaziz also is the owner of another HCSF, NJ Golden Home Care Corporation, which has been registered with the Division since July 2015 (Petrella Cert. ¶ 13).

3. 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 include the license, then its renewal will be denied (Petrella Cert. ¶ 9).

4. On December 5, 2018, the Division initially rejected Respondent's Initial Application because the Initial Application was missing the license for a Health Care Practitioner Supervisor, among other items (Petrella Cert. ¶ 6, Exh. A).

5. Respondent then provided the Division with a copy of a Registered Nurse license from the New Jersey Board of Nursing ("BON") for Jo-Ann J. Hawkins John ("John"). On February 5, 2019 the Division issued to Respondent an HCSF registration bearing number HPO287800 (Petrella Cert. ¶ 7, Exh. A).

6. As required by N.J.A.C. 13:45B-13.5, Respondent has renewed its registration annually. (Petrella Cert. ¶ 8). Respondent's current HCSF registration is valid through June 30, 2021 (Id.).

7. Respondent's renewal applications submitted since 2018 have identified Hatem Abdelaziz as the owner/principal of Respondent (Petrella Cert. ¶ 12, Exhs. B, C).

8. Respondent's HCSF renewal application for the period from July 1, 2019 to June 30, 2020, included a copy of John's Registered Nurse license with an expiration date of May 31, 2020 (Petrella Cert. ¶ 10, Exh. B).

9. On April 21, 2020, Respondent submitted an HCSF renewal application for the period from July 1, 2020 to June 30, 2021, and included a copy of Registered Nurse license 26NR18593300 for Patrick Henriques ("Henriques") (Petrella Cert. ¶ 11, Exh. C).

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

10. On December 10, 2020, Investigator Browne conducted a civil inspection of Respondent at its principal place of business at 910 Bergen Avenue, Jersey City, New Jersey 07306 ("HCSF Inspection"). Investigator Browne's findings have been memorialized in an HCSF Inspection Report (Certification of Maureen P. Browne, dated June 16, 2021 ("Browne Cert.") ¶ 3, Exh. A, attached hereto as Exhibit 2).

11. On December 10, 2020, Investigator Cefalu, a Registered Nurse and Investigator with the New Jersey 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.") ¶ 3 and attached hereto as Exhibit 3).

12. On December 10, 2020, Hatem Abdelaziz, the owner of Respondent and NJ

Golden Home Care Corporation (Petrella Cert. ¶¶ 4, 13), was not present at 910 Bergen Avenue (Browne Cert. ¶ 7).

13. On March 16, 2021, Investigators Walter Mazariegos and Kathleen Cefalu interviewed Henriques and prepared a written statement as part of the Division's investigation of Respondent (Cefalu Cert. ¶ 5). Henriques reviewed the statement, signed the statement, and certified to the truth of the facts contained in the written statement (Cefalu Cert. ¶ 5, Exh. A-1, page 20).

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

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

15. During her April 16, 2021 interview, John stated that she gave NJ Golden Home Care a copy of her nursing license when she applied for a per diem position, but she denied working for Respondent as a supervisor or authorizing Respondent to submit her license to the Division (Cefalu Cert. ¶ 11, Exh. B-1).

16. 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. ¶ 9).

17. Respondent's unauthorized submission of John's nursing license to the Division as if she were the Health Care Practitioner Supervisor was information that it knew or should have known was false, deceptive and or misleading in violation of N.J.A.C. 13:45B-14.3(e).

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

18. HCSFs 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 CHHAs pursuant to N.J.S.A. 45:11-24(d)(20).

19. 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 CHHAs pursuant to N.J.S.A. 45:11-24(d)(24).

20. 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) (Certification of Virginia Burks (“Burks Cert.”) ¶ 6, Exh. A, dated June 17, 2021 attached hereto as Exhibit 4).

21. 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).

22. 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).

23. Respondent employs CHHAs and places them into home care settings (Browne Cert. ¶ 10).

24. Respondent applied to the BON to provide Training Programs to CHHA applicants (Burks Cert. ¶ 11, Exh. A).

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

26. During his March 16, 2021 interview, Henriques denied that he authorized Respondent to apply for the title of Program Coordinator or Homemaker-Home Health Aide Training Instructor on his behalf to the BON (Cefalu Cert. ¶ 16, Exh. A-1, page 15 at 28-37).

27. Respondent also submitted Homemaker-Home Health Aide Training Program Conditional Certification Eligibility Lists to the BON for individuals who allegedly completed the Training Programs on July 24, 2020, September 25, 2020, and October 23, 2020. Respondent's 2020 lists were allegedly signed and certified by Henriques as Program Coordinator (Burks Cert. ¶¶ 13, 14, Exh. B).

28. Henriques, however, denied that he taught any Training Program courses for Respondent (Cefalu Cert. ¶ 19, Exh. A-1, page 15 at 1-6). Henriques stated that Respondent cancelled the Training Programs during 2020 (Cefalu Cert. ¶ 17, Exh. A-1, page 19 at 12-18).

29. Respondent further submitted numerous Letters of Completion for the Training Program to the BON for the purported July 24, 2020, September 25, 2020 and October 23, 2020

classes. For example, the BON received a Letter of Completion for Jertrude Aceus for a class purportedly held from July 6, 2020 to July 24, 2020. Henriques purportedly signed the Letter of Completion (Burks Cert. ¶ 15, Exh. C).

30. Based upon Henrique's March 16, 2021 statement that no classes were taught during 2020, the 2020 Letters of Completion are presumed to be false, deceptive, or misleading. (Cefalu Cert. ¶¶ 19, 22, Exh. A-1, page 19 at 12-18).

31. 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) and (e).

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

32. 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, an [HCSF] shall assure that an appropriately licensed person evaluates the patient's needs and establishes, in writing, a plan of care (“POC”). The health care practitioner preparing the plan of care shall sign it and indicate thereon his or her license designation.”

33. Additionally, 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 POC and “whether the plan of care is being discharged appropriately by the health care practitioner.” N.J.A.C. 13:45B-14.9(c).

34. 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).

35. During the March 16, 2021 interview with investigators, Henriques admitted that Respondent violated several regulations governing the assessment of patients and that the owner, Hatem Abdelaziz, was aware of the ongoing violations (Cefalu Cert. ¶ 26, Exh. A-1, pages 7-8).

36. Henriques stated that sometimes Respondent placed home health care practitioners into patient homes before a registered nurse could do an assessment; thus, 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).

37. 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).

38. Henriques further stated that Respondent often failed to conduct evaluations of the POC at least once during each 60-day period (Cefalu Cert. ¶¶ 29, 30, Exh. A-1, page 7).

39. Henriques stated that Hatem Abdelaziz was aware that CHHAs were placed into homes prior to a written assessment and the development of a POC, and that the health care practitioner supervisors were not making inquiries regarding or evaluating the POC on a 30-day or 60-day period after November 28, 2018 (Cefalu Cert. ¶¶ 27, 28, 29, 30, Exh. A-1 pages 7-8).

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

40. 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).

41. 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, 12, Exh. A, Section 6, B, C).

42. 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 two of the five clients in violation of N.J.A.C. 13:45B-14.9(a) (Browne Cert. ¶ 17 Exh. A, Section 6 and Exh. C, column titled "POC Prepared prior to placement by licensed person").

43. Respondent failed to conduct a review of the POC not less than once during each 30-day period on a regular basis for one of the five clients, in violation of N.J.A.C. 13:45B-14.9(c) (Browne Cert. ¶ 18 Exh. A, Section 6 and Exh. C, column titled "POC review every 30 days").

44. For four of the five clients, Respondent failed to conduct an evaluation of the POC at least once during each 60-day period, in violation of N.J.A.C. 13:45B-14.9(g) (Brown Cert. ¶ 19, Exh. A, Section 6, 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).

45. Further, for the five clients, Investigator Browne identified ten separate caregivers, but was able to review records for only three of its ten employees. Seven of the ten caregivers' records were not located (Browne Cert. ¶ 11, Exh. A. Section 6 and Exh. B). For the

three employees for which Investigator Browne located records, Investigator Browne determined that Respondent failed to maintain records of the license verification in violation of the requirements of N.J.A.C. 13:45B-14(e) (Browne Cert. ¶14, Exh. A, Section 6, Exh. B column titled “Maintain the license verification sheet).

46. For the seven employees for whom no records were located during her December 10, 2020 HCSF Inspection, Investigator Browne checked the licensing status of those employees against the Division’s website. Browne found that at least one employee who had been assigned to a patient’s home, Muoke Azuk, was not a CHHA (Browne Cert. ¶ 15, Exhs. A to C).

47. The Licensing Supervisor who oversees registration of CHHAs for the Division has confirmed that Muoke Azuke is not a CHHA (Burks Cert. ¶ 17).

48. Respondent’s owner, Hatem Abdelaziz, also owns NJ Golden Home Care Corporation. On November 28, 2018, the Division issued a Notice of Violation to NJ Golden Home Corporation for violations of the Private Employment Agency Act, N.J.S.A. 34:8-43 to -66, and the Regulations Governing Personnel Services, N.J.A.C. 13:45B-1.1 to -16.2. Although Respondent was not charged with a violation in 2018, Respondent’s owner is familiar with various obligations incumbent upon an HCSF (Browne Cert. ¶ 21).

49. Investigator Browne’s review of patient and employee records therefore corroborates Henriques’ statements 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, in 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 and the BON, 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, and the placement of a non-licensed/certified caregiver into patient homes constitute good cause for the provisional revocation of Respondent's HCSF Registration pursuant to N.J.S.A. 34:8-53. It is in the public interest to revoke Respondent's HCSF 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 patients 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.

**ACCORDINGLY, IT IS** on this 30 day of June, 2021

**ORDERED** that:

I. Respondent's registration as an 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.

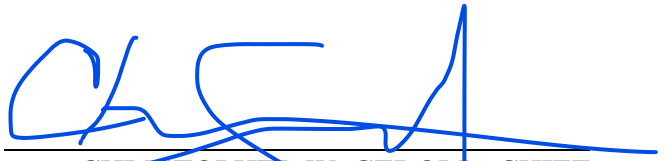
III. Any submissions as outlined in Paragraph II received within the thirty (30) day period, together with any additional evidence submitted by Respondent, will be reviewed by the Acting Director or her designee and the Acting Director or her designee will thereafter determine if further proceedings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

A handwritten signature in blue ink, appearing to be 'C. Gerold', written over a horizontal line.

CHRISTOPHER W. GEROLD, CHIEF  
New Jersey Bureau of Securities

On behalf of the Division of Consumer Affairs.