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New Jersey Board of Nursing

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE CERTIFICATE
OF

CERTIFIED HOMEMAKER-HOME HEALTH
AIDES #1-293

TO PRACTICE AS A CERTIFIED
HOMEMAKER-HOME HEALTH AIDE IN THE
STATE OF NEW JERSEY

Administrative Action

VERIFIED COMPLAINT

Gurbir S. Grewal, Attorney General of New Jersey, by Alina Wells, Deputy Attorney General, with offices located at the Division of Law, 124 Halsey Street, Fifth Floor, Newark, New Jersey 07101, by way of Verified Complaint 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 disciplinary proceedings against persons licensed by the New Jersey State Board of Nursing (the "Board") pursuant to N.J.S.A. 45:1-14 to -27.

2. The Board is charged with the duty and responsibility of regulating the practice of Certified Homemaker-Home Health Aides ("CHHAs") in the State of New Jersey pursuant to N.J.S.A. 45:1-14 to -27, N.J.S.A. 45:11-24a to -24.9 and N.J.A.C. 13:37-14.1 to -14.17.

3. Pursuant to N.J.A.C. 13:37-14.9(a)(2), an applicant seeking to become a CHHA must submit evidence to the Board that he/she completed a CHHA training program approved by the Board pursuant to N.J.A.C. 13:37-14.6.

4. N.J.A.C. 13:37-14.6 requires that such Board-approved training programs have both: i) a Board-approved Program Coordinator; and (ii) a Board-approved Program Instructor who meet the criteria set forth in N.J.A.C. 13:37-14.7 and N.J.A.C. 13:37-14.8, respectively.

5. Pursuant to N.J.A.C. 13:37-14.7, a Program Coordinator must be a Registered Professional Nurse licensed by the Board in New Jersey. The Program Coordinator ensures that the training program has an appropriately equipped classroom and skills laboratory with sufficient equipment and resources to provide for an efficient and effective learning experience. N.J.A.C. 13:37-

14.7(b). The Program Coordinator is responsible for all facets of the training program, including but not limited to, ensuring that the curriculum meets the standards set forth in the CHHA regulations under N.J.A.C. 13:37-14.4(g) and 14.5.

6. Pursuant to N.J.A.C. 13:37-14.8, a Program Instructor develops a lesson plan that covers the topics required pursuant to N.J.A.C. 13:37-14.4(g) and N.J.A.C. 13:37-14.5 and develops and administers a competency evaluation examination required by N.J.A.C. 13:37-14.4(j). For each training program a Program Instructor must provide at least 76 hours of instruction consisting of 60 hours of classroom instruction and 16 hours of clinical instruction in a skills laboratory or patient care setting. N.J.A.C. 13:37-14.4(c).

7. NJ Golden Home Care Corporation ("Golden"), a healthcare service firm, has its principal place of business at 910 Bergen Avenue, Suite 206, Jersey City, New Jersey 07306. (Corporate Information for Golden, attached as Exhibit A to the Certification of Deputy Attorney General Alina Wells ("Wells Cert.").)

8. Nora Home Care LLC ("Nora"), a healthcare service firm, has its principal place of business at 910 Bergen Avenue, Suite 209, Jersey City, New Jersey 07306. (Corporate Information for Nora, attached as Exhibit B to Wells Cert.)

9. Both Golden and Nora, who at all relevant times have been and continue to be registered in New Jersey as Health Care

Service Firms, provide CHHAs to members of the public seeking CHHA services.

10. The owners and operators of Golden and Nora also offer CHHA training programs.

11. Golden and Nora falsified their training program applications and CHHA Eligibility Lists ("Program Documents"), documents that are required to be submitted to and approved by the Board in order for Golden and Nora to offer their CHHA training programs.

12. Golden and Nora submitted to the Board Program Documents representing that Patrick Henriques ("Henriques"), a Registered Professional Nurse, was both Program Coordinator and Program Instructor for their CHHA training programs, as set forth in the chart below:

Course Date	CHHA Training Program	Date Board Notified of Course Completion	Number of Applicants	Bates Stamp Golden AG # ¹
5/6/2019-5/27/2019	Golden	6/11/2019	10	00021-00022
6/3/2019-6/24/2019	Golden	Not dated	15	00023-00024
7/1/2019-7/22/2019	Golden	7/24/2019	6	00025-00026
8/5/2019-8/26/2019	Golden	8/28/2019	12	00027-00028
10/7/2019-10/28/2019	Golden	10/28/2019	14	00029-00030
11/4/2019-11/25/2019	Golden	11/25/2019	21	00031-00032

¹ Conditional Eligibility Lists are attached to the Certification of Patrick Henriques, R.N. attached as Exhibit C to Wells Cert.

12/2/2019-12/20/2019	Golden	12/20/2019	7	00033-00034
2/3/2020-2/21/2020	Golden	2/21/2020	30	00035-00036
3/2/2020-3/20/2020	Golden	3/23/2020	28	00037-00038
4/2/2020-4/24/2020	Golden	4/24/2020	14	00039-00040
5/4/2020-5/22/2020	Golden	5/27/2020	26	00041-00042
6/1/2020-6/19/2020	Golden	6/25/2020	30	00043-00044
7/6/2020-7/24/2020	Nora	7/24/2020	10	00055-00056
7/6/2020-7/24/2020	Golden	7/24/2020	30	00045-00046
8/6/2020-8/21/2020	Golden	8/21/2020	29	00047-00048
9/1/2020-9/25/2020	Nora	9/25/2020	14	00057-00058
9/1/2020-9/18/2020	Golden	9/18/2020	30	00049-00050
10/3/2020-10/23/2020	Nora	10/23/2020	4	00059-00060
10/5/2020-10/23/2020	Golden	10/23/2020	28	00051-00052
11/2/2020-11/20/2020	Golden	11/20/2020	24	00053-00054

These Program Documents were purportedly signed by Henriques. (Certification of Patrick Henriques, dated March 16, 2021, ("Henriques Cert.") attached as Exhibit C to Wells Cert. at 14:39-42.)

13. However, except for the May 2019 Program Application submitted to the Board, Henriques did not sign the Program Documents and the signatures on them are fraudulent. (Henriques Cert. at 18:31-41; GOLDEN_AG_00021-00022.)

14. Henriques was never a Program Instructor for any CHHA training program offered by either Golden or Nora. (Henriques Cert. at 15:1-6.)

15. Henriques was never the Program Coordinator for any CHHA training program offered by either Golden or Nora. (Id. at 15:1-6.)

16. Neither Golden nor Nora had an appropriately equipped classroom and skills laboratory with sufficient equipment and resources to provide the required 16 hours of clinical instruction. (Id. at 16:36-44, 18:1-5.)

17. At all times relevant hereto, each CHHA covered by this action certified in his/her initial application to the Board that he/she had enrolled in or completed an approved training program conducted at either Golden or Nora. (Certification of Virginia Burks, Exhibit A.) Based on this representation, the application to become a CHHA submitted by each CHHA covered by this action was approved. (Id.) These certifications remain currently active. (Id.)

18. The Golden and Nora training programs set forth in the above chart were not taught and/or overseen by Henriques, the Board-approved Program Instructor and/or Board-approved Program Coordinator. (Henriques Cert. 18:31-41.)

19. The Golden and Nora training programs set forth in the above chart did not provide the required 16 hours of clinical instruction. (Id. at 16:36-44, 18:1-5.)

20. Every training program taken by the CHHAs covered in this action, was not overseen by a Board-approved Program Coordinator, taught by a Board-approved Program Instructor, and did not provide the required 16 hours of clinical instruction and, as such, did not meet the statutory requirements for CHHA training as required by N.J.A.C. 13:37-14.9.

COUNT I

21. Complainant repeats and re-alleges the General Allegations above as if fully set forth herein.

22. The act of misrepresenting the completion of the required educational requirements necessary to become a CHHA when applying for certification is a violation of N.J.S.A. 45:1-21(a).

23. The act of obtaining a certification without completing the educational requirements mandated by N.J.A.C. 13:37-14.9 constitutes a violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:37-14.16(c) which allow the Board to suspend or revoke a certification for failure to meet the requirements of the regulations enacted for Homemaker-Home Health Aides (N.J.A.C. 13:37-14.1 to -14.17).

WHEREFORE, Complainant the Attorney General of New Jersey demands the entry of an Order:

1. Revoking or suspending each Respondent's certification to practice as a Certified Homemaker-Home Health Aide in the state of New Jersey pursuant to N.J.S.A. 45:1-21;

2. Requiring that prior to any reapplication, each Respondent completes a CHHA training class that comports with the regulations enacted for Homemaker-Home Health Aides (N.J.A.C. 13:37-14.1 to -14.17);

3. Assessing civil penalties against each Respondent for each and every separate unlawful action as set forth in the individual count above, pursuant to N.J.S.A. 45:1-25;

4. Requiring each Respondent to pay costs, including investigation costs, attorney's fees and costs, expert and fact witness fees and costs, costs of trial, and transcript costs, pursuant to N.J.S.A. 45:1-25(d); and

5. Ordering such other and further relief as the Board of Nursing shall deem just and appropriate under the circumstances.

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: Alina Wells
Alina Wells
Deputy Attorney General

Dated: June 21, 2021