



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

THIS LETTER EXPLAINS YOUR RIGHTS
READ THIS LETTER CAREFULLY

TO: Angela Richards

RE: NURSE AIDE REGISTRY
NOTICE OF RIGHT TO HEARING
Certification No.: NA 22406
OPC No.: 18-11568

You have been accused of neglecting a nursing home resident, that occurred on or about March 22, 2018 while you were employed as a certified nurse aide at Preakness Healthcare Center, Wayne, New Jersey. Pursuant to 42 U.S.C. 1395i-3, the Centers for Medicare and Medicaid Services of the U. S. Department of Health and Human Services impose a requirement on state governments to investigate all allegations of resident neglect, mistreatment, abuse, and misappropriation of resident property. Based on oral and/or written evidence, and the results of our investigation, the New Jersey Department of Health (the "Department") alleges the following:

1. You are certified as a nurse aide and are listed on the New Jersey Nurse Aide Registry ("Registry"), nurse aide certification number NA 22406.
2. The incident occurred on or about March 22, 2018 at Preakness Healthcare Center, Wayne, New Jersey. It is alleged that on March 22, 2018, you neglected a resident by failing to provide care. Specifically, it is alleged that you did not report a fall of a resident who was care planned for falls, and who sustained injuries to the right hand, left elbow, right breast and lower lip. The resident was assessed for the injuries, and recounted several times that she fell. Upon investigation, you denied that the resident fell despite being in resident's room from 2:31AM until 4:44 AM. It is alleged, you then wrote in your statement that you remembered finding the resident "halfway down the bed on her right side against the wall", and did not report this, as you did not consider it to be a fall. The resident's injuries were not consistent with your account. These actions constitute neglect of a resident in accordance with the federal definitions under 42 C.F.R. 483.5.

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The Department intends to enter a finding of neglect next to your name on the New Jersey Nurse Aide Registry, and also intends to revoke your nurse aide certification. If a finding of neglect is entered next to your name on the Registry, your certification will be revoked for a minimum of one year.

Notice of Right to Hearing

This letter is your Notice of Right to Hearing. Pursuant to State and federal law, you are entitled to a hearing before an administrative law judge prior to the revocation of your nurse aide certificate and the entry of a finding of neglect next to your name on the Registry.

How to Request a Hearing

If you would like to request a hearing, you must carefully read and complete the enclosed "Request for Hearing" form.

Within thirty (30) days of the date of this Notice, the completed "Request for Hearing" form must be mailed to the address listed on that form. You may not request a hearing over the telephone.

How to Waive Your Right to a Hearing

If, after carefully considering the consequences of waiving your right to a hearing as set forth in this letter, you decide to waive your right to a hearing, carefully read and then complete the "Waiving My Rights to a Hearing" form. **Within thirty (30) days from the date of this Notice**, the completed "Waiving My Rights to a Hearing" form must be mailed to the address listed on that form. You may not waive your right to a hearing over the telephone.

What Happens if You Do Not Request a Hearing, or if You Waive Your Right to a Hearing, or if the Allegations Against You Are Substantiated at a Hearing

If you fail to request a hearing or if you waive your right to a hearing within 30 days from the date of this notice, the consequences will be the same as if the allegations against you were substantiated at a hearing. In either of those cases, or if the allegations against you are substantiated at a hearing before an administrative law judge, your certification will be revoked and a finding will be placed next to your name on the Registry, as follows:

- If it is determined that you have committed an act of resident neglect, a finding of neglect will be placed next to your name on the Registry for a minimum of one year pursuant to 42 U.S.C. §1395 i-3 (g)(1)(D). In cases of neglect, however, you have

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the right to make a written request to this Department to remove the finding of neglect from the Registry one year after the date of the original placement. If your request to remove the finding of neglect is granted by the Department, the finding of neglect is then removed from the Registry by the Department. If you fail to make a written request to the Department to remove the finding of neglect from the Registry, the finding of neglect will remain on the Registry permanently.

Right to an Attorney

You have the right to be represented by an attorney in this matter. However, if you decide to be represented by an attorney you must obtain the services of the attorney at your own expense. A letter from your attorney advising the Department that he or she is representing you must be sent to the Department along with the "Request for Hearing" form which must be completed by and signed by you (CNA).

What if I move after I mail in the Request for Hearing form?

Send a written letter to Office of Program Compliance-Reporting, P.O. Box 358, Trenton, NJ 08625-0358. Your letter should reference: "Request for Hearing: Address Change" and include your name and new address.

If you have questions regarding the contents of this Notice, please call the Office of Program Compliance at 609-984-8128.

Sincerely,



Lisa King, Program Manager
Office of Program Compliance
Division of Certificate of Need and Licensing
New Jersey Department of Health

LK/bjg
Date: May 15, 2018
First Class and Certified Mail
7009 1680 0002 1239 0101