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FILED

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Division of Consumer Affairs

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
DOCKET NO: 15-015

IN THE MATTER OF THE
REGISTRATION OF

PRECIOUS HANDS, LLC

AS A HEALTHCARE SERVICE FIRM IN
THE STATE OF NEW JERSEY.

Administrative Action

**PROVISIONAL ORDER
OF SUSPENSION
OF REGISTRATION AND DISCIPLINE**

This matter was presented to the New Jersey Division of Consumer Affairs (“Division”) in connection with the Health Care Service Firm registration (“HCSF Registration) renewal application submitted by Precious Hands, LLC (“Precious Hands” or “Respondent). Upon review of these documents the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. On or about November 6, 2008, Precious Hands filed an initial application with the Division for HCSF Registration (“Initial Application”), pursuant to N.J.S.A. 34:8-43 et seq. and N.J.A.C. 13:45B-13.3. (See Certification of Diana Petrella, dated March 2, 2015 (“Petrella Cert.”) ¶ 3, Exh. A.)

2. Respondent's Initial Application listed its owner/principal as Grace Njenga ("Njenga") and its principal place of business as 19 Mt. Pleasant Avenue, West Orange, New Jersey 07052. (Petrella Cert. ¶4.)

3. Respondent's Initial Application identified its Registered Nurse as Pauline R. Douglas. (Petrella Cert. ¶5.)

4. The Division assigned registration number HP0123700 to Respondent. (Petrella Cert. ¶6.)

5. From 2009 to 2013, Respondent renewed its registration annually. (Petrella Cert. ¶7.)

6. In 2009 and 2010, Respondent's renewal applications identified its Registered Nurse as Ijeoma Omyechi. (Petrella Cert. ¶8, Exhs. B and C, respectively.)

7. In 2011, 2012 and 2013, Respondent's renewal applications identified its Registered Nurse as James N. Njeri. (Petrella Cert. ¶9, Exhs. D, E and F, respectively.)

8. In 2014, Respondent's renewal application identified its Registered Nurse as Eunice W. Kibe. (Petrella Cert. ¶ 10, Exh. G.)

Inspection of Precious Hands Agency

9. On or about May 1, 2014, Division Investigator Ronald Regen ("Investigator Regen") conducted an inspection of Precious Hands, located at 796 Northfield Avenue, West Orange, New Jersey 07052, based on a notice that the agency had changed locations. (Certification of Ronald Regen, dated February 27, 2015 ("Regen Cert.") ¶3.)

10. On or about June 4, 2014, Investigator Regen conducted a follow up inspection of Precious Hands. (Regen Cert. ¶4.)

11. During the course of the inspection, Investigator Regen interviewed Njenga in her capacity as owner of Precious Hands. (Regen Cert. ¶5.)

12. At the conclusion of the inspection, a subpoena was served upon Precious Hands. The subpoena sought employee and client records. (Regen Cert. ¶6.)

13. The Subpoena requested employee records for twenty-eight (28) employees. (Regen Cert. ¶7.)

14. Precious Hands supplied employee records for nineteen (19) employees. (Regen Cert. ¶8.)

15. The Subpoena requested client records for sixteen (16) clients. (Regen Cert. ¶9.)

16. Precious Hands supplied client records for fifteen (15) clients. (Regen Cert. ¶10.)

Review of Employee Records

17. Precious Hands failed to utilize an employment application form for seventeen (17) employees, in violation of N.J.A.C. 13:45B-14.2(a). (Regen Cert. ¶ 12, Exh. B, column titled “Application”.)

18. Precious Hands failed to verify the license status of each individual prior to referral or placement, in violation of N.J.A.C. 13:45B-14.4(c), for nineteen (19) employees. (Regen Cert. ¶ 13, Exh. B, column titled “License Status Check Prior to Employment”.)

19. Precious Hands failed to maintain a copy of license or registration with the required notation conspicuously written across the entire face of the license, in violation of N.J.A.C. 13:45B-14.4(d), for nineteen (19) employees. (Regen Cert. ¶14, Exh. B, column titled “License Copy Notation”.)

20. Precious Hands failed to maintain a record of licensure verification with the

required information, in violation of N.J.A.C. 13:45B-14.4(e), for nineteen (19) employees. (Regen Cert. ¶15, Exh. B, column titled “License Verification”.)

21. Precious Hands failed to verify applicant's work history, in violation of N.J.A.C. 13:45B-14.6(a), for nineteen (19) employees. (Regen Cert. ¶16, Exh. B, column titled “Work History Verified”)

22. Precious Hands failed to maintain employee records, such as employment applications, verification of work history and proof of licensure in violation of N.J.A.C. 13:45B-14.3(g), for nineteen (19) employees. (Regen Cert. ¶17, Exh. B.)

Review of Client Records

23. Precious Hands failed to create a Plan of Care for each client, in violation of N.J.A.C. 13:45B-14.9(a), for fourteen (14) clients. (Regen Cert. ¶19, Exh. C, column titled “Plan of Care”.)

24. Precious Hands failed to create a Job Order for each position, in violation of N.J.A.C. 13:45B-14.5(b), for fifteen (15) clients. (Regen Cert. ¶20, Exh. C, column titled “Job Order”.)

25. Precious Hands failed to conduct the 30-day client health care review, in violation of N.J.A.C. 13:45B-14.9(c), for fifteen (15) clients. (Regen Cert. ¶21, Exh. C, column titled “30 Day Phone Document”.)

26. Precious Hands failed to conduct 60 day on-site, in home evaluation, in violation of N.J.A.C. 13:45B-14.9(g), for fifteen (15) clients. (Regen Cert. ¶22, Exh. C, column titled “Re-assessment”.)

27. Precious Hands placed uncertified employees with clients requiring the services

of a Certified Homemaker-Home Health Aide (“CHHA”), in violation of N.J.A.C. 13:45B-14.4(a). Precious Hands assigned twenty-three (23) uncertified employees to seven (7) clients requiring CHHA services. (Regen Cert. ¶23, Exh. C, columns titled “Name of Caregiver” and “Uncertified or Certified”.)

Precious Hands’ Director of Nursing

28. During the course of her interview, agency owner Njenga indicated that she had no nurse on staff. (Regen Cert. ¶24, Exh. D.) She indicated that she would telephone James N. Njeri, RN, for advice. (Id.) Njenga initially said that she paid Mr. Njeri in cash, but then indicated that he did not receive compensation. (Id.) Njenga indicated that Mr. Njeri did not physically examine clients, but provided advice regarding the clients. (Id.)

Sworn Statement of James N. Njeri

29. On or about July 18, 2014, James N. Njeri, R.N. (“Njeri”) provided a sworn statement to Investigator Gina Galloni. (Certification of Gina Galloni, dated March 3, 2015, (“Galloni Cert.”) ¶3.)

30. Njeri’s statement provided, in pertinent part,

Grace [Njenga] said she was starting an agency (home care) and that I should give her my nursing license to start cases in Middlesex County. I gave her the license and she said I should apply for the job. Afterwards I never had [sic] [heard] from her concerning any cases in Middlesex County. She did request my license 2 other times each time implying that she [was] still looking for clients in Middlesex County. She never gave me any job nor did she ask me any client questions. She never paid me either for any thing since I was never employed there. [...] I have never had any patient contact with that agency nor do I know where she works from.

[Galloni Cert., ¶3, Exh. A.]

Sworn Statement of Pauline Douglas, R.N.

31. On or about September 12, 2014, Pauline Douglas, R.N. (“Douglas”) provided a sworn statement to Investigator Gina Galloni. (Galloni Cert. ¶4.)

32. Douglas’ statement provided, in pertinent part,

During my early years in being an RN, my aunt discussed with Grace [Njenga] of Precious Hands that her niece was looking for a job as a new nurse. I was then contacted by Grace who I emailed my licensing info and faxed my license. However, I was later contacted by Grace who stated that because I was new to nursing she would not be able to hire me as a nurse because of the complexity with doing admissions. I have never worked for her, neither was I ever compensated by her. I don’t even know their location and until I was contacted by [Investigator Galloni] had no idea that my name or license was being used by the company. I had no idea that my license was being submitted to the Division of Consumer Affairs for her to get her agency licensed.

[Galloni Cert., ¶4, Exh. B.]

Sworn Statement of Ijeoma Omyechi, R.N.

33. On or about September 12, 2014, Ijeoma Omyechi, R.N. (“Omyechi”) provided a sworn statement to Investigator Gina Galloni. (Galloni Cert. ¶5.)

34. Omyechi’s statement provided, in pertinent part,

I am not sure how Grace [Njenga] got my number but she called me in 2010 and we met at the West Orange Library where she wanted to know if I will be willing to take the position of DON [Director of Nursing] which I told her that I have no experience. She told me to not worry because she has a lady that will assist and direct me. I signed applications and copies of my nursing license was given to her. I have never worked at Precious Hands in any position or I have never been paid for any service. I didn’t know my license was submitted to the division of consumer affairs until I was contacted by Gina Galloni. (Galloni Cert., ¶5, Exh. C.)

DISCUSSION

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

The Director has preliminarily determined that the deficiencies detailed above, particularly the failure of the Respondent to maintain a Registered Nurse to oversee patient care, establish a basis for the provisional suspension of Respondent's HCSF Registration.

CONCLUSIONS OF LAW

The above preliminary findings of fact provide grounds for suspending 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 the Precious Hands Agency in a manner contrary to the applicable regulations.

ACCORDINGLY, IT IS on this 6th day of March, 2015,

ORDERED that:

- I. Respondent's registration as a Health Care Service Firm in New Jersey is provisionally suspended for six (6) months;
- II. Respondent shall ensure that all of its clients are placed with other HCSFs registered with the Division;
- III. Respondent shall pay a civil penalty of \$2,000, pursuant to N.J.S.A. 34:8-61.
- IV. The within Order shall be subject to finalization by the Division at 5:00 p.m. on

the 30th 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 said 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 therefor.

V. Any submissions as outlined in Paragraph III above received within the thirty (30) day period, together with any additional evidence submitted by Respondent will be reviewed by the Director and the Director will thereafter determine further proceedings are necessary. If the Director is not persuaded that submitted materials merit further consideration, a Final Order of Suspension will be entered.

VI. 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 with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding.

NEW JERSEY DIVISION OF CONSUMER AFFAIRS

By: 

STEVE C. LEE, ACTING DIRECTOR