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APR 28 2010

Division of Consumer Affairs

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N.J. BOARD OF NURSING

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

IN THE MATTER OF

Alpha Care Institute and
Gerard Blanc individually, and as
owner of Alpha Care Institute,

An unaccredited school of
practical nursing in the
State of New Jersey

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Nursing (hereinafter the "Board") and the Division of Consumer Affairs, Office of Consumer Protection (hereinafter the "Division"), upon their receipt and review of information which disclosed that respondents Alpha Care Institute, and its owner Gerard Blanc, (collectively referred to as "respondents") operated an unaccredited practical nursing program in the State of New Jersey, in violation of the statutes and regulations governing the establishment of new nursing programs, specifically the Nurse Practice Act, N.J.S.A. 45:11-23 et seq., N.J.S.A. 45:11-37(f) and N.J.A.C. 13:37-1.2 and by advising students that upon completion of respondents' course of study, students would be eligible to take the practical nursing examination and, if successful, be eligible for licensure as a practical nurse pursuant to N.J.S.A. 45:11-27a when respondents had no authority to operate a

practical nursing program in the State of New Jersey, in violation of the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. and any students who completed such a program would not be eligible to take the practical nursing examination.

On April 25, 2006, the Board's Education Committee (the "Committee") and the Division conducted an investigative inquiry at which respondent Gerard Blanc appeared, pursuant to an administrative subpoena, and testified under oath concerning the allegations asserted against him and Alpha Care Institute as follows:

Mr. Blanc testified that he is the owner and operator of Alpha Care Institute and that Alpha Care Institute operates a facility providing both practical nursing and certified nursing assistant instruction to students.

Mr. Blanc further testified that, from about November 2004 to October 2005, Alpha Care Institute had enrolled approximately ten (10) students into its program in this State. Further, respondent asserted that he believed there was no intentional misrepresentation or fraud on his part in establishing Alpha Care Institute and its unaccredited practical nursing program as he was unaware of the legal requirements. However, Mr. Blanc did not dispute the fact that respondents did not have, and to date have not been awarded, Board accreditation/approval for their nursing program as required by N.J.S.A. 45:11-33 and N.J.A.C. 13:37-1.2. Respondents provided some documents required by subpoena; however, respondents advised that ledgers of payments, class curricula and schedules were not systematically maintained and therefore only limited documents were supplied by respondents.

Documentation was received from consumers who attended Alpha Care Institute and produced evidence of payments they made towards tuition as follows:

a. [REDACTED] produced a copy of 5 negotiated checks made payable to Gerard Blanc for a total of \$2,300.00, one copy of a bank check in the amount of \$2,500.00 and one receipt for \$1,300.00 from Alpha Care Institute. In addition, [REDACTED] produced a copy of a check made payable to the Monmouth University Bookstore in the amount of \$366.10. Her total expenditures were \$6,466.10.

b. [REDACTED] produced a copy of four negotiated checks made payable to Alpha Care Institute and/or Gerard Blanc in the total amount of \$4,000.00 along with her receipts for the \$4,000.00 which appear to be a carbon copy of checks made payable to Alpha Care Ins. with a notation of "tuition."

c. [REDACTED] produced a copy of two receipts for a total of \$3,000.00 for "tuition" with what appears to be Gerard Blanc's signature.

The Board and the Division, following their review of the available documentation submitted in this matter as well as the documentation received from consumers, concluded that the conduct of respondents Alpha Care Institute, and Gerard Blanc, as detailed above, constitutes a violation of N.J.S.A. 45:11-37(f) in that they operated and/or represented that they conducted a school for practical nursing without first obtaining accreditation/approval of the Board, and a violation of N.J.S.A. 56:8-1 et seq. by representing that they had the authority to conduct a practical nursing program when no such authority had been granted. The Board and Division therefore conclude that the conduct detailed above establishes a basis for action by the Board and the Division against both respondents, Gerard Blanc and Alpha Care Institute.

The parties acknowledge that respondent, Gerard Blanc, has provided a copy of his income tax returns for the years 2002, 2003, 2004, 2005 and 2006. Mr. Blanc has indicated that

he has two children with whom he resides, that he has not been regularly employed for at least the last two years, and does not have sufficient funds with which to meet his obligations. Mr. Blanc has also stated that he is the owner of a 2003 Jeep Liberty automobile which is his only asset and he can no longer pay the insurance on the automobile.

The parties desiring to resolve this matter without the need for recourse to formal proceedings; and respondents voluntarily submitting to the Division and the Board's jurisdiction and acknowledging and not contesting the findings of the Board and Division; and the Board and Division having been satisfied that the within resolution adequately protects the public health, safety and welfare; and for good cause appearing:

ACCORDINGLY, IT IS, THEREFORE, on this 28th day of

FEBRUARY 2010 ORDERED AND AGREED THAT:

1. Respondents Alpha Care Institute and Gerard Blanc, shall cease and desist from operating an unaccredited practical nursing program and/or offering a nursing program, in any manner whatsoever, with or without compensation, in the State of New Jersey, immediately upon the entry of this Order.

2. Respondents Alpha Care Institute and Gerard Blanc, shall immediately cease and desist from accepting any new students or collecting any fees, payments, deposits, installment payments, interest or other monies in any way related to its unaccredited practical nursing program.

3. Respondents shall immediately cease and desist from any and all advertising, either in print, radio, electronic, through the Internet or any other media, of its unaccredited practical nursing program.

4. Respondents Alpha Care Institute and Gerard Blanc, shall cease and desist from instructing individuals in practical nursing in the State of New Jersey, immediately upon the entry of this Order.

5. Respondents Alpha Care Institute and Gerard Blanc shall be barred from applying for approval to open a school for practical nursing in the State of New Jersey for a period of five (5) years from the date of entry of this Order.

6. Beginning on June 1, 2010, Respondents shall submit to the Division of Consumer Affairs every six (6) months for the next two (2) years, a completed financial statement which shall be in the form attached hereto and made a part hereof as Exhibit A.

7. Respondents shall pay restitution, pursuant to N.J.S.A. 56:8-15 and N.J.S.A. 45:1-22(d), in the total amount of \$13,466.10. Respondents shall be permitted to pay the restitution in equal monthly installments payments of \$300.00. Each monthly installment payment shall consist of three (3) \$100.00 certified checks or money orders made payable to each of the individuals identified below::

- i. [REDACTED] Total amount due - \$6,466.10
- ii. [REDACTED] Total amount due - \$4,000.00
- iii. [REDACTED] Total amount due - \$3,000.00

The first installment payment shall be paid simultaneously with the submission of this Order with subsequent payments due on the fifteenth day of each month beginning on May 15, 2010 and every month thereafter until the total amount of the restitution is paid in full. All payments shall be mailed or delivered to the following address: Attention: Supervisor, Case

Management Tracking, New Jersey Department of Law and Public Safety, Division of Consumer Affairs, 124 Halsey St., Post Office Box 45025, Newark, New Jersey 07101.

8. Respondents shall pay the Board of Nursing the sum of \$10,000.00 as a civil penalty, pursuant to N.J.S.A. 45:1-25, and \$5,959.72, pursuant to N.J.S.A. 45:1-25(d) as reimbursement for the Board's costs of investigation and attorneys fees.

9. Respondents shall also pay the Division the sum of \$10,000 as a civil penalty, pursuant to N.J.S.A. 56:8-13, and \$12,432.20 as reimbursement for the Division's investigative costs and fees pursuant to N.J.S.A. 56:8-11.

10. Notwithstanding the restitution payments to be made in accordance with paragraph 7 above, the entire sum of the imposed civil penalties, attorneys fees and costs assessed pursuant to paragraphs 8 and 9 above, totaling \$38,391.92, shall be stayed for a period of five (5) years from the entry of this Order and shall, at the expiration of said five year period, automatically be vacated provided respondents:

- (A) Provide restitution in compliance with paragraph 7 of this Consent Order;
- (B) Fully comply with the restraints and conditions set forth in this Consent Order;
- (C) Engage in no further violations of the Nurse Practice Act or the Consumer Fraud Act, the regulations promulgated pursuant thereto and/or any other consumer protection statute administered by the Division of Consumer Affairs; and
- (D) During the next five years, notify the Division of any change of address within ten (10) days of such change.

However, in the event that respondents fail to comply with any of the provisions in (A), (B), (C) and (D) above, the entire stayed amount of \$38,391.92 along with any unpaid balance of

restitution, costs and attorneys fees shall be due and immediately payable with interest upon notice by the Board and/or Division directed to respondents' last known address by certified and first class mail.

11. Any restitution payment hereunder not made within ten (10) days of the due date shall cause the entire remaining balance, including any stayed penalty and costs amount, to become immediately due and payable without further notice with interest calculated in accordance with R. 4:42-11 from the date of default, and with the State's costs of collection included. In addition to the relief provided for in this paragraph, this default shall also entitle the Board and the Division to file a Certificate of Debt, including the applicable interest permitted by the New Jersey Court Rules and to make application to a court of competent jurisdiction for an order directing compliance and any other relief in aid of litigant's rights, including the imposition of attorney's fees for said application, or to make any other application as provided by law.

12. If, after the signing of this Consent Order, respondents engage in any acts or practices which constitute a violation of the Nurse Practice Act or the Consumer Fraud Act, the regulations or this Consent Order, respondents shall be subject to the imposition of enhanced penalties pursuant to N.J.S.A. 56:8-13, N.J.S.A. 56:8-18 or N.J.S.A. 45:1-25.

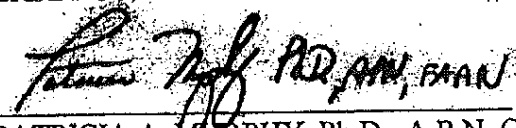
13. This Consent Order resolves this matter solely for the purposes of the Division of Consumer Affairs and the New Jersey Board of Nursing. The rights of any and all affected previous and current students of Alpha Care Institute, other than those consumers listed herein are specifically reserved and protected by this Order.

14. Respondents have had the opportunity to seek advice of counsel and, by affixing their signature to this document, have acknowledged such right and have chosen to proceed without being represented by counsel.

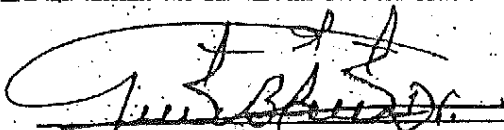
NEW JERSEY DIVISION OF CONSUMER AFFAIRS

By: 
SHARON M. JOYCE, ACTING DIRECTOR

NEW JERSEY STATE BOARD OF NURSING

By: 
PATRICIA A. MURPHY, Ph.D., A.P.N., C.
President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Division and the Board to enter this Order.


GERARD BLANC, Individually
and on behalf of Alpha Care Institute

DATED: 2/11/10