IN THE MATTER OF						*		BEFORE THE MARYLAND				ND
						*						
MARIA DASDORES FOMBAT					*		BOARD OF NURSING					
		24				*						
CNA APPLICANT			*									
						*						
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# DEFAULT FINAL DECISION AND ORDER OF DENIAL OF APPLICATION FOR CERTIFIED NURSING ASSISTANT CERTIFICATION

On May 5, 2022, the Maryland Board of Nursing (the "Board") issued a charging document<sup>1</sup> (the "Charges") to **MARIA DASDORES FOMBAT** (the "Applicant"), a certified nursing assistant ("CNA") applicant, alleging that the Applicant violated the Maryland Nurse Practice Act (the "Act"), Md. Code Ann., Health Occ. §§ 8-101 *et seq.* (2021 Repl. Vol.), specifically § 8-6A-10(a)(20) [predicated on § 8-316(a)(1), (20), (25) [predicated on Code of Maryland Regulations ("COMAR") 10.27.19.02B(1)] and (30) [predicated on COMAR 10.27.01.05B(1)(b)]].

The Board's Charges notified the Applicant of the opportunity to request an evidentiary hearing before the Board. The Charges also advised that if the Applicant failed to submit a request for a hearing to the Board within thirty (30) days from the date of the issuance of the Charges, the Applicant would waive the opportunity for an evidentiary hearing. In the event of such a waiver, the Charges notified the Applicant that the Board would issue a final decision and order by default pursuant to the authority of § 8-6A-10(a) and (b) of the Health Occupations Article, Md. Code Ann., State Gov't §§ 10-210(4) and 10-221 (2014 Repl. Vol.), and COMAR 10.27.02.09, wherein the allegations of fact in the Charges would become findings of fact, the disciplinary grounds that

<sup>&</sup>lt;sup>1</sup> The Board's Charging Document consisted of two three-page letters and a two-page document entitled, "Charges the Under The Maryland Nurse Practice Act: Initial Denial of Application for Nursing Assistant Certification." The Board's Charging Document is appended to this Order as Exhibit A and is incorporated by reference in its entirety.

# FOMBAT, Maria Dasdores (CNA Applicant) Default Final Decision and Order of Denial of Application for Certified Nursing Assistant Certification

the Charges alleged to have been violated would become conclusions of law, and the Board would order that the Applicant's application for certification be denied or that the Applicant be granted a certificate, including a certificate subject to a reprimand, probation, or suspension.

The Board sent its Charges by regular and certified mail to the Applicant's last known addresses. The Board finds that the Charges were properly issued and that due and proper notice was given to the Applicant in accordance with § 8-6A-10.1 of the Health Occupations Article and §§ 10-207 and 10-209(c) of the State Government Article.

The Applicant failed to submit a request for an evidentiary hearing within thirty (30) days from the date of the issuance of the Board's Charges. Thus, the Board finds that the Applicant has waived the right to an evidentiary hearing and that the Board is authorized to issue this final decision and order by default pursuant to the authority of § 8-6A-10.1(e) of the Health Occupations Article and § 10-210(4) of the State Government Article.

## I. FINDINGS OF FACT

The Board adopts the allegations of fact set forth in the attached Charges as Findings of Fact.

#### II. CONCLUSIONS OF LAW

Accordingly, the Board concludes that the Applicant has violated Health Occ. § 8-6A-10(a):

(20) Has violated any provision of this title or has aided or knowingly permitted any individual to violate any provision of this title; to wit,

§ 8-316 (a):

 Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or for another;

#### FOMBAT, Maria Dasdores (CNA Applicant)

Default Final Decision and Order of Denial of Application for Certified Nursing Assistant Certification

- (20) Fails to cooperate with a lawful investigation conducted by the Board;
- (25) Engages in conduct that violates the professional code of ethics; to wit,

COMAR 10.27.19.02

- (B) A nurse may not, when acting in the capacity or identity of a licensed nurse:
- Knowingly participate in or condone dishonesty, fraud, deceit, or misrepresentation;
- (30) Violates regulations adopted by the Board or an order from the Board; to wit,

COMAR 10.27.01.05

- (B) An applicant for the licensed practical nurse licensure examination shall:
- Meet all requirements for a high school diploma or its equivalent and complete satisfactorily and meet all requirements for a diploma from:
- . . . .
- (b) A licensed practical nursing education program in any other state, territory, or country determined by the Board to be substantially equivalent<sup>2</sup> to the licensed practical

<sup>&</sup>lt;sup>2</sup> COMAR 10.27.01.01(C) provides: "Substantially equivalent" means a registered nursing or licensed practical nursing education program that:

<sup>(1)</sup> Contains theoretical learning experiences and related clinical learning experiences that include direct patient care within various settings consistent with program objectives, outcomes, or competencies conducted either concurrently with or after the theoretical learning experience; and

<sup>(2)</sup> Meets the curriculum requirements for Maryland schools of nursing at the time of the applicant's graduation, including, but not limited to:

 <sup>(</sup>a) The appropriate level of the graduate's intended scope of practice;

 <sup>(</sup>b) Didactic and clinical learning experiences that are diverse and consistent with program objectives, outcomes, or competencies;

<sup>(</sup>c) Didactic and clinical instruction in nursing care of families and clients throughout the life span in a variety of care settings requiring nursing measures appropriate for:

<sup>(</sup>i) The maintenance or restoration of mental and physical health;

FOMBAT, Maria Dasdores (CNA Applicant) Default Final Decision and Order of Denial of Application for Certified Nursing Assistant Certification

> nursing education programs approved in this State at the time of the applicant's graduation[.]

#### III. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby

ORDERED that the application of MARIA DASDORES FOMBAT for certification as

a certified nursing assistant in the State of Maryland is hereby DENIED; and be it further

ORDERED that this Default Final Decision and Order is a PUBLIC RECORD under

Md. Code Ann., Gen. Prov. §§ 4-101 et seq. (2019 Repl. Vol.).

5/5/2023 Date

Karen E.B. Evans, MSN, RN-BC The Executive Director's Signature Appears on the Original Document Maryland Board of Nursing

Preventive, rehabilitative, and curative aspects of health care;

<sup>(</sup>iii) Biophysical, psychosocial, cultural, and spiritual components of health and illness; and

<sup>(</sup>iv) Professional issues content; and

<sup>(</sup>d) Didactic and clinical instructional content that includes, but is not limited to, the areas of:

Medical and surgical nursing;

<sup>(</sup>ii) Maternal and child health;

<sup>(</sup>iii) Psychiatric nursing; and

<sup>(</sup>iv) Geriatric nursing.

FOMBAT, Maria Dasdores (CNA Applicant) Default Final Decision and Order of Denial of Application for Certified Nursing Assistant Certification

# NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under § 8-6A-10 of the Health Occupations Article may take a direct judicial appeal within thirty (30) days of the date this Order is mailed, as provided by § 8-6A-11 of the Health Occupations Article, § 10-222 of the State Government Article, and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").

DATE MAILED: MAR - 6 2023



# **Board of Nursing**

Larry Hogan, Governor - Boyd K. Rutherford, Lt. Governor - Dennis R. Schrader, Secretary

May 5, 2022

# VIA REGULAR AND CERTIFIED MAIL RETURN RECEIPT REQUESTED

Address Redacted

## RE: NOTICE OF AGENCY ACTION- Charges under the Maryland Nurse Practice Act: Initial Denial of Application for Certified Nursing Assistant Certificate

Dear Ms. Fombat:

The Maryland State Board of Nursing (the "Board") is the state agency responsible for the regulation of the practice of nursing in the State of Maryland pursuant to the authority of the Maryland Nurse Practice Act, Md. Code Ann., Health Occupations ("Health Occ."), § 8-101 *et seq.* (2014 Repl. Vol. & 2021 Supp.). Pursuant to § 8-6A-10(a) of the Health Occupations Article, the Board may deny an application for a certificate or grant a certificate, including a certificate subject to a reprimand, probation, or suspension, and/or impose a monetary penalty to an applicant if the Board finds that the applicant has violated any of the disciplinary grounds set forth under Health Occ. § 8-6A-10(a)(1)-(34).

Based on the allegations of fact and violation(s) of the disciplinary ground(s) cited in the enclosed document entitled, "Charges Under the Maryland Nurse Practice Act: Initial Denial of Application for Certified Nursing Assistant Certificate" (hereinafter "Charges/Initial Denial"), the Board is notifying you that it has considered your application for certification to practice as a certified medication technician in the State of Maryland and has decided to initially deny your application. This letter and the enclosed Charges constitute the notice of agency action required by the Maryland Administrative Procedure Act, Maryland Annotated Code, State Government ("State Gov't.") § 10-207.

Under § 8-6A-10.1 of the Health Occupations Article, the Board is required to give you an opportunity for an evidentiary hearing before the Board prior to the Board denying your application for certification to practice as a certified medication technician.

> 4140 Patterson Avenue - Baltimore, Maryland 21215-2254 Toll Free: 1 (888) 202 - 9861 • Phone: (410) 585 - 1900 • TTY/TDD: 1 (800) 735 - 2258 Fax: (410) 358 - 3530 www.mbon.maryland.gov



# NOTICE OF AGENCY ACTION: Charges Under the Nurse Practice Act MARIA FOMBAT, CNA APPLICANT

#### TO REQUEST A HEARING:

If you wish to schedule a hearing, please submit a written request for hearing to the Board within <u>30 days of the date of this letter</u>, by mail, fax or email, to:

> Attn: Amber Havens Bernal Enforcement Division – Discipline Dept. Maryland Board of Nursing 4140 Patterson Avenue Baltimore, Maryland 21215 Fax: (410) 358-1499 Email: <u>mbon.nursingdiscipline@maryland.gov</u>

A Request for Hearing form has been enclosed for your convenience.

If you submit a written request for an evidentiary hearing, the Board will schedule a case resolution conference to provide an opportunity for a resolution of this case without proceeding to a formal evidentiary hearing. Your attendance at the case resolution conference is voluntary, and your decision not to attend the case resolution conference will not have any influence on subsequent proceedings in this case. If you choose not to attend the case resolution conference, the Board will schedule an evidentiary hearing on the merits of the Charges/Initial Denial.

The Board will notify you in writing, at your last known address on record with the Board, of the date, time and location of the case resolution conference and evidentiary hearing. A copy of the Board's hearing procedures will be made available to you upon request. The hearing before the Board will be conducted in accordance with the Maryland Administrative Procedure Act, State Gov't § 10-201 *et. seq.*, § 8-6A-10.1 of the Health Occupations Article, and regulations promulgated by the Board at Code of Maryland Regulations ("COMAR") Title 10, Subtitle 27, Chapter 02.

Pursuant to § 8-6A-10.1 of the Health Occupations Article, and §§ 10-206.1 and 10-208 of the State Government Article, you have the right to be represented by an attorney, to subpoena evidence and witnesses, to present evidence, to cross-examine witnesses called against you, and to present summation and argument. Pursuant to § 8-6A-10(a)-(b) of the Health Occupations Article, § 10-221 of the State Government Article, and COMAR 10.27.02.09, if, after a hearing, the Board finds that you violated any of the disciplinary ground(s) in § 8-6A-10(a) cited in the enclosed Charges/Initial Denial, the Board may take disciplinary action against your application by issuing a **public** Final Decision and Order that will include findings of fact, conclusions of law, and an order that denies your application for certification or grants you a certificate, including a certificate subject to a reprimand, probation, suspension, and/or a monetary penalty.

Also, pursuant to § 10-208(b)(7) of the State Government Article, you may agree to the evidence and waive your right to appear at the hearing before the Board. However, if you waive your right to appear at the hearing or fail to appear at the hearing for any other reason, please be advised that pursuant to § 8-317(e) of the Health Occupations Article, § 10-210(4) of the State Government Article, the Board may hear and consider the State's evidence, decide the disposition of your case

# NOTICE OF AGENCY ACTION: Charges Under the Nurse Practice Act MARIA FOMBAT, CNA APPLICANT

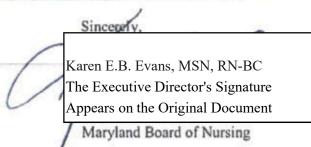
despite your absence, and issue a <u>public</u> Final Decision and Order, which will include findings of fact, conclusions of law, and an order that denies your application for certification or grants you a certificate, including a certificate subject to a reprimand, probation, suspension, and/or a monetary penalty.

## IF YOU DO NOT REQUEST A HEARING:

If you do not request a hearing in writing within 30 days of the date of this letter, you will have waived your opportunity for a hearing. Pursuant to the authority of § 8-6A-10(a) and (b) of the Health Occupations Article, §§ 10-210(4) and 10-221 of the State Government Article, and COMAR 10.27.02.09, the Board may, in its discretion, issue a **public** Final Decision and Order by default, in which: (1) the allegations of fact in the Charges become findings of fact; (2) the section(s) of § 8-6A-10(a) of the Health Occupations Article that the Board has alleged you violated in the Charges/Initial Denial become conclusions of law; and (3) a disciplinary sanction is ordered which denies your application for certification or grants you a certificate, including a certificate subject to a reprimand, probation, suspension, and/or a monetary penalty.

Any decision made by the Board regarding the Charges/Initial Denial could affect your application for certification to practice as a certified nursing assistant in the State of Maryland. Any Final Decision and Order issued by the Board will be a <u>public document</u> and <u>cannot be expunged</u>. Therefore, you are strongly advised to retain and be represented by an attorney in any proceeding before the Board. To appear on your behalf, your attorney must be admitted to the Bar in Maryland or specifically admitted pursuant to Maryland Rule 19-217 which governs special admission of out-of-state attorneys pro hac vice.

If you or your attorney have any questions about this letter, the enclosed Charges/Initial Denial, or the Board's initial denial of your application, or if you wish to see any other material in the Board file regarding this case, please contact the Administrative Prosecutor assigned to your case, Kelly Cooper, AAG, at <u>kelly.cooper@maryland.gov</u> or (410) 767-5828.



- Encls: (1) "Charges under the Maryland Nurse Practice Act and Initial Denial of Application for Certified Nursing Assistant Certificate" (2) Request for Hearing form
- cc: Kelly Cooper, Assistant Attorney General, Administrative Prosecutor

IN THE MATTER OF	*	BEFORE THE MARYLAND
MARIA DASDORES FOMBAT	*	BOARD OF NURSING
CNA APPLICANT	*	OAG Case No.: 22-BP-15

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# CHARGES UNDER THE MARYLAND NURSE PRACTICE ACT: INITIAL DENIAL OF APPLICATION FOR CERTIFIED NURSING ASSISTANT CERTIFICATE

The Maryland Board of Nursing (the "Board") hereby initially denies the Initial Application for Certified Nursing Assistant Certificate of MARIA DASDORES FOMBAT (the "Respondent"), pursuant to the Maryland Nurse Practice Act (the "Act"), Md. Code Ann., Health

Occ. §§ 8-101 et seq. (2021 Repl. Vol.). The pertinent provisions of the Act are as follows:

\$8-6A-10 (a) Subject to the hearing provisions of \$8-317 of this title and \$8-6A-10.1 of this subtitle, the Board may deny a certificate or grant a certificate, including a certificate subject to a reprimand, probation, or suspension, to any applicant, . . . if the applicant or certificate holder:

(20) Has violated any provision of this title or has aided or knowingly permitted any individual to violate any provision of this title; to wit,

§ 8-316 (a):

- Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or for another;
- (20) Fails to cooperate with a lawful investigation conducted by the Board;
- (25) Engages in conduct that violates the professional code of ethics; to wit,

Code of Maryland Regulations ("COMAR") 10.27.19.02

- (B) A nurse may not, when acting in the capacity or identity of a licensed nurse:
  - Knowingly participate in or condone dishonesty, fraud, deceit, or misrepresentation;

(30) Violates regulations adopted by the Board or an order from the Board; to wit.

COMAR 10.27.01.05

- B. An applicant for the licensed practical nurse licensure examination shall:
  - Meet all requirements for a high school diploma or its equivalent and complete satisfactorily and meet all requirements for a diploma from:
    - ....
    - (b) A licensed practical nursing education program in any other state, territory, or country determined by the Board to be substantially equivalent<sup>[1]</sup> to the licensed practical nursing education programs approved in this State at the time of the applicant's graduation[.]

<sup>1</sup> COMAR 10.27.01.01(C) provides: "Substantially equivalent" means a registered nursing or licensed practical nursing education program that:

- (1) Contains theoretical learning experiences and related clinical learning experiences that include direct patient care within various settings consistent with program objectives, outcomes, or competencies conducted either concurrently with or after the theoretical learning experience; and
- (2) Meets the curriculum requirements for Maryland schools of nursing at the time of the applicant's graduation, including, but not limited to:
  - (a) The appropriate level of the graduate's intended scope of practice;
  - (b) Didactic and clinical learning experiences that are diverse and consistent with program objectives, outcomes, or competencies;
  - (c) Didactic and clinical instruction in nursing care of families and clients throughout the life span in a variety of care settings requiring nursing measures appropriate for:
    - The maintenance or restoration of mental and physical health;
    - Preventive, rehabilitative, and curative aspects of health care;
    - (iii) Biophysical, psychosocial, cultural, and spiritual components of health and illness; and
    - (iv) Professional issues content; and
  - (d) Didactic and clinical instructional content that includes, but is not limited to, the areas of:
    - (i) Medical and surgical nursing;
    - (ii) Maternal and child health;
    - (iii) Psychiatric nursing; and
    - (iv) Geriatric nursing.

# ALLEGATIONS OF FACT<sup>2</sup>

The Board bases its charges on the following facts that the Board has reason to believe are true:

 On or about February 5, 2018, the Respondent submitted a Maryland Initial Application for Certified Nursing Assistant ("CNA") Certificate ("CNA Application").

2. On her Application the Respondent indicated that she completed training/course on October 12, 2012, from a program located in Woodbridge, Virginia (the "School"). The School is the same institution as the LPN School referenced *infra*.

3. On October 10, 2019, the Respondent was issued a license to practice as a licensed practical nurse ("LPN") in the State of Maryland, license number LP54846. The Respondent's license is currently "invalid per compact" and is scheduled to expire on February 28, 2021. The Compact<sup>3</sup> status of the Respondent's Maryland LPN license is "None."

4. On November 6, 2020, the Oklahoma Board of Nursing ("Oklahoma Board") issued the Respondent a license to practice as a licensed practical nurse in the State of Oklahoma, license number 200259. The Respondent's Oklahoma LPN license is active and scheduled to expire February 28, 2023. The Compact<sup>4</sup> status of the Respondent's Oklahoma LPN is "Multistate."

<sup>&</sup>lt;sup>2</sup> The allegations set forth in this document are intended to provide the Respondent with reasonable notice of the asserted facts. They are not intended as, and do not necessarily represent, a complete description of the evidence, either testimonial or documentary, to be offered against the Respondent in connection with these charges.

<sup>&</sup>lt;sup>1</sup> The Nurse Licensure Compact (NLC) is an agreement between Boards of Nursing of party states that allows nurses to have one Multistate nursing license with the ability to practice nursing in both their home state and other party states. In accordance with the Nurse Licensure Compact, Md. Code Ann., Health Occ. § 8-7A-01.3(h) and § 8-7A-01.3(m) respectively, "Home state" means the party state that is the nurse's primary state of residence and, "Party state" means any state that has adopted this Compact.

<sup>&</sup>lt;sup>4</sup> Under the Multi-state Licensure Compact ("Compact"), Maryland Nurse Practice Act § 8-7A-01, Oklahoma is a compact state and the Respondent is allowed to practice under the multi-state licensing privilege in any State that is a party to the Compact. The State of Maryland is a party to the Compact.

## INITIAL APPLICATION FOR LPN BY EXAM

 On or about July 8, 2016, the Respondent submitted an online Maryland Application for Exam of LPN License ("LPN Application").

 On the LPN Application, the Respondent indicated that she graduated from an LPN program located in Woodbridge, Virginia (the "LPN School") on June 28, 2013.

7. On the LPN Application, the Respondent affirmed and agreed to the following statement: "I affirm that the contents of this document are accurate to the best of my knowledge." The Respondent was advised that "providing false or misleading information may result in disciplinary action by the Board, and may result in denial of licensure."

## LPN SCHOOL

8. On July 21, 2010, the Virginia Board of Nursing approved a <u>Consent Order</u>, ordering that the LPN School be placed on Conditional Provisional Approval for not less than one (1) year, subject to terms and conditions. The <u>Consent Order</u> was signed by LPN School's Program Director ("Director").

 On May 15, 2012, the Virginia Board of Nursing approved a <u>Consent Order</u>, signed by the Director. The May 15, 2012 - <u>Consent Order</u> orders that:

 a. [LPN School's] approval to operate a practical nursing education program in Virginia is WITHDRAWN. [LPN School] shall cease operations no later than June 30, 2013, when all students shall either have graduated or transferred to an approved program.

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b. [LPN School] shall not admit any new or transfer students.

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#### LPN SCHOOL TRANSCRIPT

10. On or about August 25, 2021, the Board issued a Subpoena Duces Tecum ("Subpoena") to the Respondent commanding her to produce and provide to the Board copies of transcripts from all schools attended for any LPN program, transcripts from all schools attended for any RN program, clinical rotations documentation from all schools attended for any LPN program, clinical rotations documentation from all schools attended for any program, and proof of school attendance.

11. The only transcript provided by the Respondent was received on or about July 1, 2016, and was an <u>Official Transcript</u> which listed the school as the LPN School. It is signed by the Program Director ("Director")<sup>5</sup> and dated June 28, 2013, and provides the following information:

FIRST QUARTER		THIRD QUARTER			
From: 04/16/2012 To: 06/15	5/2012	From: 10/15/2012 To 02/08/2013			
Course Description	Contact Hours	Course Description	Contact Hours		
Basic Computer	30	Med/Surg I	120		
Medical Terminology	60	Med/Surg II	120		
Anatomy and Physiology	180	Med/Surg Clinical	200		
Total Contact Hours Required	270	Med/Surg Lab	40		
2 C		Geriatrics Theory	30		
		Geriatrics Clinical	40		
		Total Contact Hours Required	550		
SECOND QUARTER		FOURTH QUARTER			
From: 06/18/2012 To: 10/12	From: 06/18/2012 To: 10/12/2012		From: 02/11/2013 To: 06/18/2013		

<sup>&</sup>lt;sup>5</sup> On or about July 8, 2021, in the U.S. District Court of Maryland, Director was indicted on charges of Conspiracy to Commit Health Care Fraud; Conspiracy to Commit False Statements Relating to Health Care Matters and False Statements Relating to Health Care Matters. According to the Criminal Complaint, Director conspired with two other individuals and submitted false statements relating to health care matters by working together to sell fraudulent transcripts and diplomas that indicate that various individuals completed necessary courses and clinical hours to obtain nursing degrees and coached these unqualified individuals to pass the nursing board exam.

Course Description	Contact	Course Description	Contact
	Hours		Hours
Diet and Nutrition	60	Pediatric Nursing	90
Pharmacology	120	Pediatric Nursing Clinical	40
Nursing Fundamentals	210	Maternity Nursing	90
Nursing Fundamentals Lab	60	Maternity Clinical	40
Nursing Fundamentals Clinical	40	Mental Health Nursing	30
Total Contact Hours	490	Mental Health Clinical	40
		Professional Development &	60
		NCLEX Review	
		Total Contact Hours Required	390

# Summary of Clinical Agencies/Facilities and dates for each experience

Clinical Courses	Clinical Agency	Clinical Start Date	Clinical End Date	Total Hours	
Nursing Fundamentals	Facility 1	10/08/12	10/12/12	40	
Medical-Surgical Nursing	Facility 1 Facility 2	11/12/12	12/14/12	200	
Geriatric Nursing	Facility 3	12/17/12	12/21/12	40	
Maternity Nursing	Facility 4	04/08/13	04/12/13	40	
Pediatric Nursing	Facility 4	05/06/13	05/10/13	40	
Mental Health Nursing	Facility 5	05/27/13	05/30/13	40	

#### THE BOARD'S INVESTIGATION

12. In a letter dated September 8, 2021, the Board's staff was notified by Facility 1, "we regret to inform you that after searching our records, we were unable to locate any school agreement for clinical rotations with [LPN School]."

13. On August 5, 2021, a Board Investigator contacted the General Counsel for Facility 2 and Facility 3, requesting information on any agreements with LPN School. On August 5, 2021, the General Counsel responded by email, stating "I searched our contracts database and do not find

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any contracts with [LPN School]. Additionally, as a skilled nursing facility, I do not believe we would have hosted clinicals for surgical nursing."

14. On August 6, 2021, a Board Investigator contacted Facility 4's Executive Director by phone. Executive Director stated that Facility 4 does not offer OB/GYN or pediatric care and that the program offers services to troubled teens, there are no nurses on staff, and the program does not offer any medical services.

15. On August 25, 2021, the Board's staff was notified by email that Facility 5 "does not have any affiliation or contracts with any nursing institute for any clinical hours."

#### FAILURE TO COOPERATE WITH THE BOARD'S INVESTIGATION

16. By letter dated August 25, 2021, the Board notified the Respondent that the clinical sites listed on the Respondent's official transcript from the LPN School "had no affiliation with the nursing program." The Board included a Subpoena Duces Tecum ("Subpoena") to the Respondent commanding her to appear at the Board on September 10, 2021 for an interview. The Respondent was also commanded to produce and provide to the Board copies of transcripts from all schools attended for any LPN program, transcripts from all schools attended for any RN program, clinical rotations documentation from all schools attended for any LPN program, clinical rotations documentation from all schools attended for any RN program, clinical rotations documentation from all schools attended for any RN program, and proof of school attendance. The Respondent was informed that "[f]ailure to cooperate with a lawful investigation by the Board is itself a violation of the Nurse Practice Act (NPA) and could result in additional disciplinary action." The Board did not receive a response.

#### NOTICE OF POSSIBLE SANCTIONS

If the Board finds that there are grounds for action under Md. Code Ann., Health Occ. § 8-6A-10(a)(20), the Board may issue a public Final Decision and Order, which will include

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findings of fact, conclusions of law, and an order that your application for certification be denied or that you be granted a certificate subject to a reprimand, probation, or suspension.

Karen E.B. Evans, MSN, RN-BC May 5, 2022 The Executive Director's Signature Date Appears on the Original Document F Maryland Board of Nursing