



RECEIVED

DEC 20 2013

COMMONWEALTH of VIRGINIA VA BD OF NURSING

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

December 19, 2013

Vickeara Lashawn Green
124 Doll House Lane
Heathsville, VA 22473
and
864 Benninghaus Road
Baltimore, MD 21212

CERTIFIED MAIL

DUPLICATE COPY
VIA FIRST CLASS MAIL

DATE 12/19/13

RE: License No.: 0002-085517

Dear Ms. Green:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered December 19, 2013. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

Certified True Copy

By
Virginia Board of Nursing

cc: Brian J. Murphy, Esquire

Enclosures

Case # ~~149115~~ 173644

Board of Audiology & Speech-Language Pathology – Board of Counseling – Board of Dentistry – Board of Funeral Directors & Embalmers
Board of Long-Term Care Administrators – Board of Medicine – Board of Nursing – Board of Optometry – Board of Pharmacy
Board of Physical Therapy – Board of Psychology – Board of Social Work – Board of Veterinary Medicine
Board of Health Professions

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

**IN RE: VICKEARA LASHAWN GREEN, L.P.N.
License No.: 0002-085517**

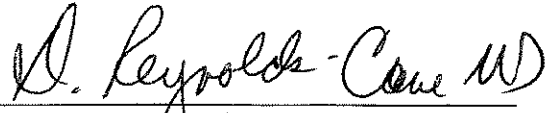
ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Vickeara Lashawn Green, L.P.N., to practice as a practical nurse in the State of Maryland and the privilege of Vickeara Lashawn Green, L.P.N., to practice as a practical nurse through the Nurse Licensure Compact in the State of Maryland were permanently revoked by a Final Decision and Order dated October 28, 2013. A certified copy of the Final Decision and Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Vickeara Lashawn Green, L.P.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Vickeara Lashawn Green, L.P.N., will be recorded as suspended and no longer current. Should Ms. Green seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.



Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

ENTERED: 12-19-13



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

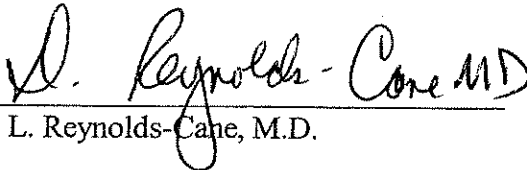
Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

CERTIFICATION OF DUPLICATE RECORDS

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Final Decision and Order dated October 28, 2013, regarding Vickeara Lashawn Green, L.P.N., is a true copy of the records received from the State of Maryland Board of Nursing.



Dianne L. Reynolds-Cane, M.D.

Date: 12-19-13

IN THE MATTER OF

*
*
*
*
*
*

BEFORE THE

MARYLAND BOARD

OF NURSING

VICKEARA GREEN

License No. LP47306 /
Certificate No. A00044086 /
Multistate Licensing Privilege

FINAL DECISION AND ORDER OF

PERMANENT REVOCATION OF PRACTICAL NURSING LICENSE

AND

PERMANENT REVOCATION OF NURSING ASSISTANT CERTIFICATE

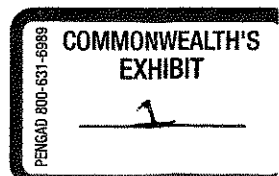
AND

**PERMANENT REVOCATION OF MULTISTATE LICENSING PRIVILEGE TO
PRACTICE AS A LICENSED PRACTICAL NURSE**

I. PROCEDURAL BACKGROUND

On or about November 1, 2001, the Maryland Board of Nursing (the "Board") issued Vickeara Green (the "Respondent") a certificate to practice as a certified nursing assistant in the State of Maryland. On or about January 11, 2010, the Board issued the Respondent a license to practice as a practical nurse.

In 2010, the Board initiated an internal audit into the issuance of fraudulent certifications. Based upon the investigative findings of that audit, on July 20, 2011, the Board sent the Respondent a "Notice of Intent to Permanently Revoke Licensed Practical Nurse License" and "Notice of Intent to Permanently Revoke Certified Nursing Assistant Certificate," both charging the Respondent with several provisions of the Nurse Practice Act, specifically Md. Code Ann., Health Occ. ("H.O.") §§ 8-316(a)(10) and 8-6A-10(a)(1), (9), and (29).



Based on the receipt of further information regarding the Respondent, on April 24, 2013, the Board amended its charges against the Respondent's nursing assistant certification to allege that the Respondent violated H.O. §§ 8-6A-10(a)(1), (4), (9), (26), and (29). The Board also amended its charges against the Respondent's practical nursing license to include violations of H.O. §§ 8-316(a)(4), (10), and (28) and applied those charges to the Respondent's multistate licensing privilege based upon her licensure as a practical nurse in the Commonwealth of Virginia.

In both the original charging documents and the amended charging documents, the Board also notified the Respondent of her opportunity to request an evidentiary hearing before the Board regarding its charges against her. The Respondent submitted a timely request for an evidentiary hearing. Subsequently, the Board notified the Respondent that it had scheduled a consolidated evidentiary hearing on the Board's amended charging documents for July 22, 2013 before the Board. On July 22, 2013, a quorum of the Board was present. Denise McKoy, Administrative Prosecutor, was present. The Respondent was also present, represented by her counsel, Brian J. Murphy, Esq. Ms. McKoy presented the case on behalf of the State of Maryland, and Mr. Murphy presented the case on behalf of the Respondent.

Evidentiary Exhibits and Witnesses

State's Exhibits:

1. a. My License Office Printout (4 pages).
b. Virginia Department of Health Professions License Lookup (1 page).
2. a. Affidavit from the Board's Director of Information Systems and CHRC, with an accompanying memorandum (2 pages)
b. Screen Views from the Board's databases, Re: the Respondent (29 pages).
3. a. Letter from the Board to the Respondent, Re: Certificate NULL AND VOID, dated October 18, 2010 (1 page).
b. United Parcel Service Delivery Confirmation (2 pages).

4. The Board's Report of Investigation, dated May 10, 2011 (3 pages).
5. Court Records from the Circuit Court for Baltimore City, Re: Case No. 112058006
 - a. Indictment (2 pages).
 - b. Case Inquiry (5 pages).
 - c. Probation/Supervision (4 pages).
6.
 - a. Letter from the Board to the Respondent, Re: Notice of Agency Action-Notice of Intent to Permanently Revoke Licensed Practical Nurse License, dated July 20, 2011 (7 pages).
 - b. Certified Mail Receipts and Returned Certified Mailings (2 pages).
 - c. Letter from the Board to the Respondent, Re: Notice of Agency Action-Notice of Intent to Permanently Revoke Certified Nursing Assistant Certificate, dated July 20, 2011 (7 pages).
 - d. Certified Mail Receipts and Returned Certified Mailings (2 pages).
 - e. Letter from the Board to the Respondent, Re: Amended Notice of Agency Action-Notice of Intent to Permanently Revoke Certified Nursing Assistant Certificate, dated April 24, 2013 (7 pages).
 - f. Certified Mail Receipts and Returned Mailings (4 pages).
 - g. Letter from the Board to the Respondent, Re: Amended Notice of Agency Action-Notice of Intent to Permanently Revoke Licensed Practical Nurse License, dated April 24, 2013 (9 pages).
 - h. Certified Mail Receipts and Returned Mailings (4 pages).
 - i. Letter from the Board to the Respondent, Re: Notice of Hearing, with attachments, dated May 17, 2013 (19 pages).
 - j. Certified Mail Receipts and Returned Mailings (5 pages).
 - k. Letter from the Board to the Respondent, Re: Notice of Hearing, with attachments, dated May 21, 2013 (19 pages).
 - l. Certified Mail Receipts and Returned Mailings (2 pages).
7.
 - a. The Respondent's Requests for Hearing (2 pages).
 - b. Entry of Appearance, submitted by Brian J. Murphy, dated June 7, 2012 (1 page).

State's Witnesses:

1. Robert Hauf, Investigator, Maryland Board of Nursing.

Respondent's Exhibits:

None submitted.

Respondent's Witnesses:

1. The Respondent, Vickeara Green, testified on her own behalf.

II. FINDINGS OF FACT

The Board makes the following findings of fact based upon the entirety of the record:

1. On or about November 1, 2001, the Board issued the Respondent a certificate to practice as a nursing assistant in the State of Maryland. (*See State's Exhibit 1, p. 001*). According to Board records, the certified nursing assistant ("CNA") certificate was obtained by "Application." (*Id.*)
2. According to Board records, on August 9, 2006, the Board issued the Respondent a CNA certificate with geriatric nursing assistant ("GNA") status. (*See State's Exhibit 1, p. 002*). Those Board records indicated that the Respondent's status as a GNA was obtained by "Passed Exam." (*Id.*)
3. According to Board records, on December 1, 2006, the Board issued the Respondent a CNA certificate with certified medicine aide ("CMA") status. (*See State's Exhibit 1, p. 003*). Those Board records indicated that the Respondent's status as a CMA was obtained by "Application." (*Id.*)
4. According to Board records, on January 11, 2010, the Board issued the Respondent a license to practice as a licensed practical nurse ("LPN") in the State of Maryland. (*See State's Exhibit 1, p. 004*). On August 18, 2011, the Respondent was issued an LPN license in the Commonwealth of Virginia. (*See State's Exhibit 1, p. 005*). Accordingly, the Respondent's Maryland LPN license was invalidated.¹

¹ Both Maryland and Virginia are party states to the Nurse Multistate Licensure Compact (the "Compact"). *See H.O. §§ 8-7A-01 et seq.* Article IV.1(b) of the Compact provides that a nurse in a "party state shall hold licensure in only one party state at a time." H.O. § 8-7A-01(7)(b). Thus, when the Respondent obtained LPN licensure in the Commonwealth of Virginia, Maryland was required to invalidate her license to practice as an LPN in the State of Maryland.

5. On or about May 10, 2011, the Board issued a "Report of Investigation" (the "Report") regarding the Respondent. (State's Exhibit 4). According to that Report, the Board conducted an "audit" into a "group of individuals" that had been issued nursing assistant certificate statuses "fraudulently." (*Id.* at p. 040). The Report cited and based its investigative findings upon a memorandum prepared at the conclusion of the Board's audit. (*Id.* at p. 042). According to a memorandum prepared at the conclusion of the Board's audit, when the Respondent obtained her GNA status, the Respondent never submitted any evidence that she had passed the GNA competency exam.² (*See* State's Exhibit 2, p. 007). In addition, the memorandum stated that there was no data to support that the Respondent had taken a Board-approved training course to obtain her CMA status.³ (*Id.*)

6. As a result of the Board's audit findings, on October 18, 2010, the Board notified the Respondent that GNA and CMA statuses were "null and void" due to failure to comply with the Board's regulatory prerequisites to obtain those statuses. (State's Exhibit 3, p. 037).

7. On or about February 27, 2012, a Grand Jury of the State of Maryland in the Circuit Court for Maryland for Baltimore City, Case No. 112058006, indicted the Respondent on one count of "Bribery of Public Employee" and on one count of "Conspiracy to Commit Bribery." (*See* State's Exhibit 5, pp. 043-045). According to the second count of the indictment, "Conspiracy to Commit Bribery," the Grand Jurors alleged that:

beginning on or about July 1, 2006, through on or about October 30, 2009, and pursuant to one scheme and continuing course of conduct, in the City of Baltimore,

² The Board's regulations require that, in order to obtain GNA status, an applicant must pass the GNA competency exam. *See* COMAR 10.39.01.08A.(1)(b).

³ The Board's regulations require that, in order to obtain CMA status, an applicant submit a certificate of completion from a Board-approved CMA training course. *See* COMAR 10.39.03.02.A.(3).

State of Maryland, did unlawfully conspire together and with [Board Employee A], [Person NMS] and with certain other persons whose names are to the Grand Jury unknown, to commit Bribery for the purpose of influencing [Board Employee A] in her capacity as an employee of the Board of Nursing...

(*Id.* at p. 044). On February 19, 2013, the Respondent pled guilty to Count Two of the Indictment, Conspiracy to Commit Bribery, with the remaining count "not called for trial." (*See* State's Exhibit 5, p. 047). On May 7, 2013, the Respondent received probation before judgment and Count One of the Indictment was disposed. (*Id.*).

III. DISCUSSION

The Board may reprimand any certificate holder, place any certificate holder on probation, or suspend or revoke the certificate of a certificate holder for any violation of section 8-6A-10(a). *See* H.O. § 8-6A-10(a). In addition, the Board may reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee for any violation of section 8-316(a). *See* H.O. § 8-316(a). Furthermore, the Board, acting as a party state to the Compact, may take action against the multistate licensing privilege of any nurse within the State. *See* H.O. § 8-7A-01(5) ("Party states may...limit or revoke the multistate licensing privilege of any nurse to practice in the state and may take any other actions under the applicable state laws necessary to protect the health and safety of the citizens of the party state"). Nurses practicing under the Compact in party states with a multistate licensing privilege are obliged to comply with the practice laws of that state:

Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time that care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all practices of nursing, as defined by the laws of a party state.

H.O. § 8-7A-01(6)(a). These provisions provide the underlying authority for, and the necessary legal elements of, the issuance of amended charges (and the original charges) against the Respondent's

Maryland CNA certificate and LPN license and the Respondent's privilege to practice Maryland pursuant to the Compact.⁴

A. Testimonial Evidence

At the July 22, 2013 evidentiary hearing before the Board, the State put forward one witness, the Board's lead investigator into the allegations against the Respondent (the "Investigator"). (*See* Transcript, pp. 15-27). The Board's Investigator testified that the Respondent's GNA and CMA statuses were each entered into the Board's computer database by Board Employee A. (*See* Transcript, p. 20; *see also* State's Exhibit 2, pp. 14-15). The Board's Investigator testified that Board Employee A no longer was employed by the Board because she was "held accountable for making the illegal data entries in the Board's database." (Transcript, p. 21). In addition, the Board's Investigator testified that after the Board sent the Respondent the October 18, 2010 letter, notifying her GNA and CMA statuses had been made null and void, the Respondent did not contact him. (Transcript, p. 22).

The Respondent testified on her own behalf. (*See* Transcript, pp. 28-45). In her testimony, the Respondent admitted she pled guilty to Conspiracy to Commit Bribery and testified that, while she was involved with Board Employee A, she assisted in obtaining approximately 10 fraudulent certificates. (*See* Transcript, pp. 31-32). The Respondent was also asked by the Board to describe the process by which she obtained the fraudulent certificates for herself:

[The Respondent]: Well, initially, when I first heard about this I'd never met [Board Employee A]. I know [Person NMS] through mutual friends. So, initially, it was told to us as if they were grandfathering people in. That was initially how we heard about the situation, that it was legit and that they were grandfathering people in.

⁴ The Respondent's counsel argued before the Board that the Board has no jurisdiction to take action against the Respondent's privilege to practice as an LPN. (*See* Transcript, pp. 53-54). Based upon the plain language of the Compact, the Board finds that this argument is without merit.

[Board Member]: Okay.

[The Respondent]: So, initially, what you do is – well, when I heard about it initially it was that I was a CNA and I was interested in becoming a GNA and it was legit. You could go in the system. You could get put in the system and I gave [Person NMS] my information. I gave her my name, my social [security number], and I want to say maybe my address, along with I want to say maybe it was \$100.

[Board Member]: \$100?

[The Respondent] It was maybe like \$100 at the time. Maybe \$100, \$150. It was very cheap.

(Transcript, pp. 32-33). The Respondent described that she gave the money to Person NMS, who gave the money to Board Employee A. (See Transcript, pp. 33-34). When asked if she believed the process she described was legitimate, the Respondent stated, “I’m not going to say – I don’t think I thought about it one way or the other. I thought that it was \$100 – I’m not going to say that I thought she was giving us \$100 to grandfather us in, it was more so \$100 to speed up the process.”

(Transcript, p. 34). The Respondent also admitted before the Board that she had failed the GNA examination (Transcript, p. 33) and subsequently worked as a GNA on a fraudulent certificate. (Transcript, p. 36).

B. Violation of H.O. §§ 8-316(a)(4) and 8-6A-10(a)(4): the Respondent’s February 19, 2013 Guilty Plea

There is no dispute that, on February 19, 2013, the Respondent pled guilty in the Circuit Court for Baltimore City to “Conspiracy to Commit Bribery.” This is supported by documentary evidence, (*see* State’s Exhibit 5, p. 047), as well as the Respondent’s own admission (*see* Transcript, p. 31). Because “Conspiracy to Commit Bribery” is not a felony⁵, the Board’s sole inquiry is whether Conspiracy to Commit Bribery is a “crime involving moral turpitude” within the meaning of

H.O. § 8-316(a)(4) and § 8-6A-10(a)(4). A crime of involving moral turpitude includes crimes “involving intentional dishonesty for purposes of personal gain.” *Oltman v. Maryland State Board of Physicians*, 162 Md. App. 457, 471 (2005) (citations omitted). In this case, it is clear that “Conspiracy to Commit Bribery” is a crime involving moral turpitude because the Respondent’s acts were intentionally dishonest. Based upon the underlying facts of the Respondent’s guilty plea, she colluded with others, including a Board employee, in a course of conduct that involved the illicit distribution and sale of fraudulent certificates and statuses. Thus, the Board finds that the Respondent violated H.O. §§ 8-316(a)(4) and 8-6A-10(a)(4).

C. Fraud in Violation of H.O. § 8-6A-10(a)(1) and the Board’s Code of Ethics

In the amended charges against her CNA certificate, the Respondent is alleged to have fraudulently obtained GNA and CMA statuses for herself in 2006 in violation of H.O. § 8-6A-10(a)(1). In order for the Board to conclude that the Respondent fraudulently or deceptively obtained those statuses for her existing CNA certificate, the evidence must show that the Respondent acted in a “deliberately deceptive” manner in obtaining or using her certificate. *See Maryland Board of Physicians v. Elliott*, 170 Md. App. 369, 420 (2006).

The Board finds that the Respondent did act in a deliberately deceptive manner when she obtained her GNA status in 2006. The Respondent admitted in her testimony that she paid approximately \$100 to Person NMS to add a GNA status to her existing CNA certificate. (*See* Transcript, pp. 32-35). While she presently claims that she believed at the time that she was paying “to speed up the process,” (*id.* at p. 34), the Board does not find that claim to be credible. The Respondent was aware or should have been aware that she failed her GNA competency examination

⁵The underlying crime, Bribery of a Public Employee, is a misdemeanor. *See* Md. Code Ann., Crim. Law § 9-201(d).

on November 1, 2001, (*see* State's Exhibit 2, p. 007), and that, in 2006, she did not meet the Board's minimum qualifications to obtain a GNA status. Because the Respondent was not qualified to obtain a GNA status, the Board finds it incongruous that the Respondent actually believed that she was paying a \$100 fee "to speed up the process." In addition, as set forth above, the Respondent pled guilty in criminal court to "Conspiracy to Commit Bribery," based upon her willing involvement in a scheme to distribute fraudulent certifications and statuses. Accordingly, the Board finds that the Respondent fraudulently and deceptively obtained a CNA certificate with a GNA status for herself and facilitated the distribution of fraudulent certificates and statuses for others in violation of H.O. § 8-6A-10(a)(1). The Respondent's fraudulent conduct also violates the Board's code of ethics, specifically COMAR 10.39.07.02.B.(2), in violation of H.O. § 8-6A-10(a)(29).

No evidence was presented to find that the Respondent acted in a deliberately deceptive manner in obtaining her CMA status in 2006.

D. Violation of H.O. §§ 8-6A-10(a)(9)

In her testimony, the Respondent admitted that she failed the GNA competency examination. (See Transcript, p. 33). Furthermore, the Board does not, and did not, have any documentation that the Respondent successfully completed a Board-approved CMA training program, nor did the Respondent, when offered the opportunity during the investigation, supply this documentation to the Board. Because the Respondent never submitted documentation that she was properly qualified to be a GNA under COMAR 10.39.01.08.A or that she was qualified to be a CMA under COMAR 10.39.03.02.A., the Board finds that the Respondent violated regulations of the Board and finds that the Respondent violated H.O. § 8-6A-10(a)(9).

E. Violation of H.O. §§ 8-316(a)(28) and 8-6A-10(a)(26)

The Nurse Practice Act, specifically H.O. §§ 8-316(a)(28) and 8-6A-10(a)(26), allows the Board to discipline a licensee or certificate-holder for conduct that occurred after that licensee or certificate-holder allowed their license or certificate to expire or lapse. Specifically, the Board may discipline a licensee or certificate-holder that "*commits any act that would be grounds for disciplinary action*" after their license or certificate has expired or lapsed. See H.O. §§ 8-316(a)(28) and 8-6A-10(a)(26) (emphasis added). The Respondent's LPN license expired on September 28, 2011. (See State's Exhibit 1, p. 004). The Respondent's CNA certificate expired on September 28, 2009. (See State's Exhibit 1, p. 003). The Respondent pled guilty to "Conspiracy to Commit Bribery" on February 19, 2013, long after the Respondent's LPN license and CNA certificate expired. (See State's Exhibit 5, p. 047).

At the hearing before the Board, counsel for the Respondent argued that a guilty plea is not an act to be "committed." (Transcript, pp. 51-53) ("You don't commit anything. You sit there and the verdict is rendered of guilty or not guilty"). The Board is given broad deference to interpret and apply its own statutes. See *Board of Physician Quality Assurance v. Banks*, 354 Md. 59, 69 (1999). The Board finds that the Respondent's counsel's interpretation of H.O. §§ 8-316(a)(28) and 8-6A-10(a)(26) is unreasonably narrow. According to Black's Law Dictionary, "commit" is defined as "to perform as to an act." See Black's Law Dictionary, 5th Ed. (1979). Certainly, pleading guilty to a crime is an affirmative act and not the passive act as the Respondent's counsel argues. Thus, because the Board finds that the Respondent violated H.O. §§ 8-316(a)(4) and 8-6A-10(a)(4) by pleading guilty to "Conspiracy to Commit Bribery," the Board finds that the Respondent committed

an act that would be grounds for disciplinary action under the Nurse Practice Act after her LPN license and CNA certificate expired and, as such, violated H.O. §§ 8-316(a)(28) and 8-6A-10(a)(26).

F. Violation of H.O. § 8-316(a)(10)

In its discretion, the Board declines to find that the Respondent violated H.O. § 8-316(a)(10).

G. Sanction

The Board finds that the Respondent's misconduct falls within category B(1) of the Board's sanctioning guidelines. See COMAR 10.27.26.07.B(1). The range of potential sanctions under category B(1) is reprimand to revocation. *Id.*

It is the Board's statutory and regulatory duty to protect the public, and it is a generally accepted principle that healthcare professionals need to maintain the trust and confidence of not only the patients that they care for, but also the public at large. The Respondent's admitted participation in a scheme to facilitate the distribution of fraudulent certificates and statuses is a significant breach of that trust and confidence. Not only did the Respondent willingly interfere with the Board's statutory responsibility to certify qualified individuals as nursing assistants, the Respondent's actions posed a serious danger to the public by facilitating the certification of unqualified individuals. Based on the record before the Board, it is clear that the Respondent's duplicitous and fraudulent behavior is far outside of the acceptable norm for a healthcare professional. The Board finds that the Respondent has permanently lost the Board's and the public's confidence to maintain continued licensure as a licensed practical nurse and continued certification as a certified nursing assistant in the State of Maryland. Thus, the Board finds that no disciplinary sanction short of permanent revocation of the Respondent's LPN license, multistate licensing privilege to practice as a licensed practical nurse, and CNA certificate can adequately protect the public.

IV. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated

Md. Code Ann., Health Occ. § 8-6A-10(a):

- (1) Fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant or for another;
- (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (9) Has violated any order, rule, or regulation of the Board relating to the practice or certification of a nursing assistant; specifically COMAR 10.39.01.08.A(1) and COMAR 10.39.03.02.A(3);
- (26) After failing to renew a certificate, commits any act that would be grounds for disciplinary action under this section; and
- (29) Engages in conduct that violates the code of ethics; specifically COMAR 10.39.07.02.B(2).

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Md.

Code Ann., Health Occ. § 8-316(a):

- (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; and
- (28) After failing to renew a license or after a temporary license has lapsed, commits any act that would be grounds for disciplinary action under this section.

V. ORDER

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

ORDERED that the April 24, 2013 charges issued by the Board in this case in its "Amended Notice of Intent to Permanently Revoke Licensed Practical Nurse License," alleging a violation of

H.O. § 8-316(a)(10) is hereby **DISMISSED**; and be it further

ORDERED that the license of the Respondent, License Number LP47306, to practice as a practical nurse in the State of Maryland is hereby **PERMANENTLY REVOKED**; and be it further

ORDERED that the multistate licensing privilege of the Respondent to practice as a practical nurse in the State of Maryland is hereby **PERMANENTLY REVOKED**; and be it further

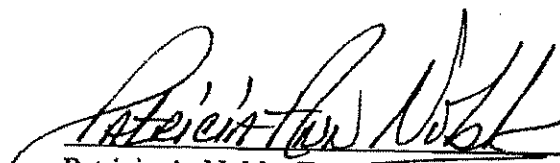
ORDERED that the certificate of the Respondent, Certificate Number A00044086, to practice as a nursing assistant in the State of Maryland is hereby **PERMANENTLY REVOKED**; and be it further

ORDERED that the Maryland Board of Nursing will not accept or consider any applications for reinstatement of the Respondent's practical nursing license, multistate licensing privilege, or certified nursing assistant certificate at any time in the future; and be it further

ORDERED that this document is a **PUBLIC DOCUMENT** under Md. Code Ann., State Gov't § 10-617(h) (2009 Repl. Vol.).

October 28, 2013

Date


Patricia A. Noble, Executive Director
Maryland Board of Nursing

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under H.O. §§ 8-316 or 8-6A-10 may take a direct judicial appeal within thirty (30) days as provided by H.O. § 8-318 or § 8-6A-11, Md. Code Ann., State Gov't § 10-222, and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").