

IN THE MATTER OF

*

BEFORE THE MARYLAND

PHILIP N. GBAKA

*

BOARD OF NURSING

LICENSE NO.: LP50202

*

OAG CASE NO. 22-BP-19

* * * * *

**ORDER FOR SUMMARY SUSPENSION OF LICENSED PRACTICAL NURSE
LICENSE PURSUANT TO SECTION 10-226(c)(2) OF THE ADMINISTRATIVE
PROCEDURE ACT**

The Maryland Board of Nursing (the “Board”) hereby orders the **SUMMARY SUSPENSION** of the license of **PHILIP N. GBAKA** (the “Respondent”), License Number **LP50202** to practice licensed practical nursing in the State of Maryland. The Board takes this action pursuant to the authority of Maryland Code Ann., State Government Article (“SG”) § 10-226(c)(2) (2021 Repl. Vol.), which provides:

- (2) A unit may order summarily the suspension of a license if the unit:
 - (i) finds that the public, health, safety, or welfare imperatively requires emergency action; and
 - (ii) promptly give the licensee:
 - 1. Written notice of the suspension, the finding and the reasons that support the finding; and
 - 2. An opportunity to be heard.

The Board has reason, as set forth below, to find that the public health, safety, or welfare imperatively requires emergency action (“SG”) § 10-226(c) (2).

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**INVESTIGATIVE FINDINGS AND REASONS IN SUPPORT
OF SUMMARY SUSPENSION**

Based on investigatory information obtained by, received by and made known to and available to the Board, the Board has reason to believe that the following facts are true:¹

1. On or about June 13, 2007, the Respondent was issued a certificate to practice as a certified nursing assistant (“CNA”) in the State of Maryland, certificate number A00086082. On or about November 16, 2007, the Board issued the Respondent a CNA certificate with geriatric nursing assistant (“GNA”) designation. The Respondent’s CNA certificate is currently “non-renewed” and his CNA certificate and GNA designation expired on September 28, 2015.

2. On or about September 20, 2012, the Respondent was issued a license to practice as a licensed practical nurse (“LPN”) in the State of Maryland, license number LP50202. The Respondent’s LPN license is currently active and is scheduled to expire on September 28, 2023. The Compact² status of the Respondent’s Maryland LPN license is “Multistate.”

INITIAL APPLICATION FOR LPN BY EXAM

3. The Respondent submitted to the Board a Maryland Application for Exam of LPN License (“LPN Application”) dated August 18, 2012.³

4. On the LPN Application, the Respondent indicated that he graduated from his Basic Education Program in 2012 and that the degree he received was a “diploma.”

5. The School of Nursing Certification section of the LPN Application was completed and

¹The allegations set forth in this document are intended to provide the Respondent with notice of the Board’s action. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this action.

²The 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.

³The LPN Application was a paper application and not completed online.

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signed by the Director of the Nursing Program (“Program Director”) of a practical nursing education school (the “LPN School”) on June 15, 2012, certifying that:

...Philip Gbaka received from the [LPN School] located in Woodbridge, VA a diploma dated 06/15/2012 which certified that he/she completed in full a 13 months [*sic*] year program in nursing that began on 04/04/2011 and ended on 06/15/2012. It is further certified that the program was approved by the _____⁴ Board of Nursing at the time the applicant graduated, and that the applicant demonstrated an oral competence in the ENGLISH language and that his/her academic and professional standing during his/her program was satisfactory to the officers of this school.

6. The LPN Application was signed and dated on August 18, 2012 by the Respondent affirming that the he was applying for examination and registration in Maryland “according to the Nurse Practice Act and the regulations of the Maryland Board of Nursing”; “the contents of [the LPN Application] are true and correct to the best of [his] knowledge and belief”; and, that “failure to providing [*sic*] accurate information may result in denial of licensure.”

LPN School

7. On or about July 21, 2010, the Virginia Board of Nursing (“Virginia Board”) entered into a Consent Order (“July 21, 2010 Consent Order”) with the LPN School and its Program Director placing the School on Conditional Provisional Approval for not less than one (1) year subject to certain terms and conditions.⁵

8. On May 15, 2012, the Virginia Board approved a Consent Order (“May 15, 2012 Consent Order”),⁶ signed by the Program Director. The May 15, 2012 Consent Order ordered that:

⁴ There was no state designated in this blank on the LPN Application.

⁵ Under the Findings of Fact in the July 21, 2010 Consent Order, the LPN School admitted that they had submitted final transcripts to the Virginia Board for six (6) students indicating that the six (6) students had completed all clinical courses prior to graduation, when they had not. The students had not completed clinical experiences in obstetrics, pediatrics, and mental health prior to graduation.

⁶ Under the Findings of Fact in the May 15, 2012 Consent Order, the Virginia Board found that there were numerous deficiencies of the LPN School’s operations related to the organizational plan, student files, curriculum, clinical experience, the licensure and competence of faculty members, and the LPN School’s pass rate.

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- a. The [LPN School’s] approval to operate a practical nursing education program in Virginia is WITHDRAWN. The [LPN School] shall cease operations no later than June 30, 2013, when all students shall either have graduated or transferred to an approved program.
- b. The [LPN School] shall not admit any new or transfer students.

LPN SCHOOL TRANSCRIPT

9. On August 31, 2021, the Board issued a Subpoena Duces Tecum (“Subpoena”) to the Respondent commanding him 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, and proof of school attendance.

10. The Board received an Official Transcript (“Transcript”) signed by the Program Director⁷ and dated August 14, 2012 which listed the school as the LPN School and provided the following information:

<u>FIRST QUARTER</u> From: 04/04/2011 To: 06/10/2011		<u>THIRD QUARTER</u> From: 09/19/2011 To 01/06/2012	
<u>Course Description</u>	<u>Contact Hours</u>	<u>Course Description</u>	<u>Contact Hours</u>
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
		Geriatrics Theory	30
		Geriatrics Clinical	40
		Total Contact Hours Required	550

⁷ 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.

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<u>SECOND QUARTER</u> From: 06/13/2011 To: 09/16/2011		<u>FOURTH QUARTER</u> From: 01/09/2012 To: 06/15/2012	
<u>Course Description</u>	<u>Contact Hours</u>	<u>Course Description</u>	<u>Contact Hours</u>
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 & NCLEX Review	60
		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	09/12/11	09/16/11	40
Medical-Surgical Nursing	Facility 2 Facility 3	11/07/11	12/09/11	200
Geriatric Nursing	Facility 1	01/03/12	01/07/12	40
Maternity Nursing	Facility 4	04/16/12	04/20/12	40
Pediatric Nursing	Facility 4	04/23/12	04/27/12	40
Mental Health Nursing	Facility 5	05/07/12	05/11/12	40

THE BOARD'S INVESTIGATION

11. Board Staff and Board Investigator 1 contacted the five clinical rotation sites cited in the

Transcript and learned the following:

- a. On or about August 5, 2021, General Counsel for Facility 1 and Facility 2⁸ notified the Board that they did not find any contracts with the LPN School that would have allowed the Respondent to have completed clinical

⁸ Facility 1 and Facility 2 are owned by the same parent company.

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rotations at those sites and stated that the facilities would not have hosted clinicals for surgical nursing.

- b. By letter dated September 8, 2021, the Administrator of Facility 3 notified the Board that they were unable to locate any school agreement with the LPN School for clinical rotations.
- c. On or about August 6, 2021, the Executive Director for Facility 4 notified the Board that Facility 4 does not offer obstetrics, gynecological, or pediatric care at its facility and that Facility 4 was a program for troubled teen parents which provided transitional housing, parenting classes, and food programs. The Executive Director stated that there are no nursing staff at Facility 4 and the facility does not provide any medical services.
- d. The Assistant Executive Director and Executive Director of Facility 5 notified Board Staff on August 5 and August 6, 2021 (respectively) that Facility 5 has never been affiliated with any nursing schools for clinical training and has never had any contracts with any schools for students to do clinical rotations.

INTERVIEW OF RESPONDENT

12. By letter dated August 31, 2021, the Board notified the Respondent at his address of record with the Board 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 him to appear at the Board on September 17, 2021, for an interview. During the interview with Board Investigator 2, the Respondent stated the following:

- a. He attended an LPN program at a different school ("LPN School 2") in Washington DC from 2009 to 2011 but failed the comprehensive exam twice at LPN School 2. A classmate told him about the LPN School and he decided to enroll.
- b. The Respondent attended the LPN School from approximately November 2011 until May or June 2012.
- c. The Program Director of the LPN School told the Respondent that since the Respondent had already taken the comprehensive exam and failed it, the Respondent would only have to take two courses. The two courses the

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Respondent took were Medical/Surgical and Pharmacology. Once the Respondent completed the two courses, he took the comprehensive exam.

- d. He attended classes at the LPN School Mondays through Thursdays and later attended clinicals twice a week.
- e. He does not remember the name of the clinical site but stated that it was a long-term care facility. During the clinical experience, the Respondent observed and participated in IV administration, G-tube feeding, and “regular” nursing care.
- f. He filled out the LPN Application and signed it while at the LPN School. The information on the top of the second page (completed and signed by the Program Director) was already completed when he signed the LPN Application.
- g. He does not remember if he completed a 13-month program. The Respondent stated he only attended the LPN School for 6 months. He paid \$2,500 in cash for the program at the LPN School.
- h. He admitted that the enrollment date on the Official Transcript (April 4, 2011) was incorrect because he didn’t leave LPN School 2 until December 2011.
- i. He admitted that the information on the Official Transcript from the LPN School for the first, second, and fourth quarters was false and that he did not complete all the classes as listed on the Official Transcript. He only remembered taking two or three classes. The classes he took are listed on the Official Transcript in the third quarter, but the dates listed in the third quarter are incorrect.
- j. He never saw a copy of his transcript from the LPN School prior to his interview with Board Investigator 2.
- k. He admitted that he did not go to Facility 1 or 2 for clinical training and did not complete geriatric clinical training at Facility 1.
- l. He said he did attend a Med/Surg class and went to Facility 3 for clinical training.
- m. He did not recall ever seeing maternity patients during his training at the LPN School.
- n. The Respondent went to a facility for pediatric clinical training once or twice a week, but could not remember the name of the center. He was taught

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how to take temperatures and how to prevent choking. It was not hands-on. The instructor would just demonstrate.

- o. He does not remember completing a class in Mental Health but did go to a dementia ward while completing Med/Surgical clinical at Facility 3.
- p. There was no official graduation from the LPN School. Once the students took the exit exam they were told they were finished. Approximately twenty students finished with him.

DISCUSSION

13. The Respondent submitted a Maryland LPN application with fraudulent information about his LPN School, including fraudulent dates of attendance, and submitted a fraudulent transcript, resulting in the Board issuing an LPN license to the Respondent in 2012. The Respondent did not meet the Board's statutory and regulatory requirements, didactic and clinical training, for LPN licensure by exam, and practiced on the fraudulent LPN license. The Respondent's continued practice poses a serious risk and danger to the public health, safety, and welfare.

CONCLUSION OF LAW

Based on the foregoing investigative findings and reasons, the Board finds that the public health, safety or welfare imperatively requires emergency action in this case pursuant to Md. Code Ann., State Govt. § 10-226(c)(2) (2021 Repl. Vol.).

ORDER

It is hereby:

ORDERED that pursuant to the authority vested in the Board of Nursing by Maryland Code Ann., State Govt. § 10-226(c)(2) (2021 Repl. Vol.) the license of **PHILIP GBAKA** to practice as a **LICENSED PRACTICAL NURSE** in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and be it further

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ORDERED that there will be a Show Cause Hearing on **Tuesday, June 21, 2022 at 2:30 p.m.** before the Board at the Maryland Board of Nursing offices, 4140 Patterson Avenue, Baltimore, Maryland 21215; and be it further

ORDERED that if, the suspension of the Respondent’s license is continued following a Show Cause Hearing, the Respondent has the right to a full evidentiary hearing before the Board and a hearing will be scheduled before the Board if the Respondent submits a written request for an evidentiary hearing to the Board **no later than thirty (30) days from the date of the Board’s written decision issued after the Show Cause Hearing;** and be it further

ORDERED that if the Respondent does not submit a timely written request to the Board for an evidentiary hearing within 30 days from the date of the Board’s written decision issued after the Show Cause Hearing, the Respondent shall have waived all rights now and in the future to any hearing on the merits of the summary suspension of the Respondent’s license and the factual allegations contained in this Order for Summary Suspension; and it is further

ORDERED that this Order for Summary Suspension shall remain in effect and the summary suspension of the Respondent’s license shall continue until further Order of the Board; and it is further

ORDERED that this, “Order for Summary Suspension of Licensed Practical Nurse License” is a **PUBLIC RECORD** pursuant to Md. Code Ann., General Provisions § 4-101 *et seq.* & § 4-333 (2019).

May 25, 2022
Date

Karen E.B. Evans, MSN, RN-BC
The Executive Director’s Signature
Appears on the Original Document

Executive Director
Maryland Board of Nursing