

IN THE MATTER OF	*	BEFORE THE
	*	
WINIFRED SACKY	*	MARYLAND
	*	
LICENSE NO.: LP54002	*	BOARD OF NURSING
CERTIFICATE NOS.: A00134308;	*	
MT0081436	*	

**FINAL DECISION AND ORDER OF PERMANENT REVOCATION OF
LICENSED PRACTICAL NURSE LICENSE AND REPRIMAND OF CERTIFIED
NURSING ASSISTANT/GERIATRIC NURSING ASSISTANT AND
MEDICATION TECHNICIAN CERTIFICATES**

I. PROCEDURAL HISTORY

In 2021, the Maryland Board of Nursing (the “Board”) received information about a licensed practical nursing education program called the National School of Nursing and Allied Health located in Virginia (the “Virginia Program”). The Board conducted an investigation, and during that investigation, the Board identified Winifred Sackey (the “Respondent”), a licensed practical nurse (“LPN”), license number LP54002, certified nursing assistant (“CNA”)/geriatric nursing assistant (“GNA”), certificate number A00134308, and certified medication technician (“MT”), certificate number MT0081436, as a graduate of the Virginia Program.

On June 8, 2022, the Board issued an “Order for Summary Suspension of Licensed Practical Nurse License Pursuant to Section 10-226(c)(2) of the Administrative Procedure Act” to the Respondent (“Order for Summary Suspension”), which notified the Respondent that the Board had summarily suspended her LPN license based on the Board’s finding that the public health, safety, and welfare imperatively required emergency action. The Order for Summary Suspension notified the Respondent that a show cause hearing was scheduled for June 21, 2022. On June 21, 2022, the Board held the scheduled show cause hearing, but the Respondent failed to appear. Following the show cause hearing, on June 21, 2022, the Board issued an “Order Continuing Summary Suspension of Licensed Practical Nursing License,” which continued the summary

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suspension of the Respondent's LPN license. The Order Continuing Summary Suspension notified the Respondent of the opportunity to request an evidentiary hearing on the merits of the summary suspension.

Also on June 8, 2022, the Board issued a "Notice of Agency Action – Charges Under the Maryland Nurse Practice Act" (the "Charges") to the Respondent, which notified the Respondent that the Board was charging her with violations of the Maryland Nurse Practice Act, Md. Code Ann., Health Occupations Article ("Health Occ.") §§ 8-101 *et seq.* (2021 Repl. Vol.), specifically:

§ 8-316(a) Subject to the hearing provisions of § 8-317 of this subtitle, the Board may . . . reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the . . . licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or for another;
- (2) Fraudulently or deceptively uses a license;
- ...
- (25) Engages in conduct that violates the professional code of ethics; *to wit:*

Code of Maryland Regulations ("COMAR") 10.27.19.02B. A nurse may not, when acting in the capacity or identity of a licensed nurse:

- (1) 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 10.27.01.05B. An applicant for the licensed practical nurse licensure examination shall:

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- (1) 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⁽¹⁾ to the licensed practical nursing education programs approved in this State at the time of the applicant's graduation;

And

§ 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 . . . reprimand any certificate holder, place any certificate holder on probation, or suspend or revoke the certificate of a certificate holder, if the . . . certificate holder:

¹ COMAR 10.27.01.01C 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:
 - (i) The maintenance or restoration of mental and physical health;
 - (ii) 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.

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- (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)(1), (2), (25), and/or (30);
- ...
- (26) When holding an expired certificate or a lapsed certificate, commits any act that would be grounds for disciplinary action under this section[.]

The Charges also notified the Respondent of the opportunity to request an evidentiary hearing. On or about July 20, 2022, the Respondent submitted a timely request for an evidentiary hearing on the Order for Summary Suspension.²

By letter dated September 16, 2022, the Board notified the Respondent that an evidentiary hearing was scheduled for October 26, 2022. The Board held an evidentiary hearing on October 26, 2022, and a quorum of the Board was present. An Administrative Prosecutor was present on behalf of the State. The Respondent failed to appear.

Evidentiary Exhibits and Witnesses

State's Exhibits

1. The Respondent's Certification Information (3 pages)
 - Maryland "Licensee Details" Printout for CNA certificate
 - Maryland "Licensee Details" Printout for GNA certificate
 - Maryland "Licensee Details" Printout for MT certificate
2. LPN License Initial Application – License Application Retrieval System (LARS) scan, dated September 27, 2017 (5 pages)
3. Licensure Information (3 pages)
 - Maryland "Licensee Details" Printout for LPN license

² The Respondent did not request an evidentiary hearing on the merits of the Charges. However, the Board deemed the request for an evidentiary hearing on the Order for Summary Suspension to include a request for an evidentiary hearing on the merits of the Charges.

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- NURSYS QuickConfirm License Verification Report
4. Virginia Board of Nursing – Consent Order – In Re: National School of Nursing and Allied Health Practical Nursing Program, dated July 21, 2010 (6 pages)
 5. Virginia Board of Nursing – Consent Order – In Re: National School of Nursing and Allied Health Practical Nursing Program, dated May 15, 2012 (4 pages)
 6. Criminal Complaint, *United States of America v. Musa Bangura*, United States District Court for the District of Maryland, Case No.: 21-mj-2013-TJS, dated July 8, 2021 (35 pages)
 7. Correspondence to the Respondent, dated August 25, 2021, and Subpoena Duces Tecum (2 pages)
 8. Official Transcript – National School of Nursing and Allied Health (2 pages)
 9. Investigative Records Re: Clinical Sites
 - Clinical Facility 1 – Letter from Administrator of Facility 1, dated September 8, 2021 (1 page)
 - Clinical Facility 2/Clinical Facility 3 – Email from Legal Counsel for Facility 2 and Clinical Facility 3, dated August 5, 2021 (3 pages)
 - Clinical Facility 5 – Email from Administrator of Facility 5, dated August 25, 2021 (2 pages)
 10. Audio Recording of Interview of the Respondent, dated September 7, 2021 (CD)
 11. Maryland Board of Nursing Report of Investigation regarding the Respondent, dated April 28, 2022 (11 pages)
 12. *Order for Summary Suspension of Licensed Practical Nurse License Pursuant to Section 10-226(c)(2) of the Administrative Procedure Act* – In the Matter of Winifred Sackey, License No.: LP54002, dated June 8, 2022 (with cover letter) (13 pages)
 13. *Notice of Agency Action – Charges Under the Maryland Nurse Practice Act*—In the Matter of Winifred Sackey, LP54002, A00134308, MT0081436, dated June 8, 2022 (with cover letter) (15 pages)
 14. *Order Continuing Summary Suspension of Licensed Practical Nurse License* – In the Matter of Winifred Sackey – License No.: LP54002, dated June 21, 2022 (with cover letter) (5 pages)
 15. Request for Hearing from the Respondent, dated July 20, 2022 (1 page)

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16. Notice of Hearing: In the Matter of Winifred Sackey—License No.: LP54002, A00134308, MT0081436, dated September 16, 2022 (29 pages)

State's Witnesses

- Investigator, Maryland Board of Nursing

The Respondent's Exhibits

None

The Respondent's Witnesses

None

II. FINDINGS OF FACT

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

CNA/GNA/MT Certification

1. On August 28, 2013, the Board issued a certificate to practice as a CNA in the State of Maryland to the Respondent. (State's Exhibit 1, p. 1). On the same date, the Board granted GNA status to the Respondent. (State's Exhibit 1, p. 2). The Respondent's CNA/GNA certificate is non-renewed, having expired on June 28, 2019. (State's Exhibit 1, pp. 1-2). On June 26, 2013, the Board issued a certificate to practice as a MT in the State of Maryland to the Respondent. (State's Exhibit 1, p. 3). The Respondent's MT certificate is non-renewed, having expired on June 28, 2017. (State's Exhibit 1, p. 3).

LPN Application

2. On or about September 19, 2017, the Respondent submitted an application for licensure as an LPN by examination ("Application") to the Board. (State's Exhibit 2).

3. The Application includes a section called "Basic Nursing Education" that is to be

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completed by the applicant. Under this section, the Respondent documented that she graduated from the Virginia Program on June 28, 2013. (State’s Exhibit 2, p. 6).

4. The Respondent affirmed that the information on the Application was true and correct to the best of her knowledge and belief. (Evidentiary Hearing Transcript (hereinafter “Transcript”), p. 16).

5. The Respondent’s transcript from the Virginia Program (“Virginia Program Transcript”) was submitted to the Board as a part of the application process. (State’s Exhibit 8, pp. 59-60).

6. The Virginia Program Transcript documents that the Respondent began the Virginia Program on January 23, 2012 and completed the Virginia Program on June 28, 2013. (State’s Exhibit 8, p. 59).

7. The Virginia Program Transcript further documents the following:

<u>FIRST QUARTER</u>			<u>THIRD QUARTER</u>		
From: 01/23/2012		To: 03/23/2012	From: 07/23/2012		To: 11/09/2012
Course Description	Contact Hours	Letter Grade	Course Description	Contact Hours	Letter Grade
Basic Computer	30		Med/Surg I	120	
Medical Terminology	60		Med/Surg II	120	
Anatomy and Physiology	180		Med/Surg Clinical	200	
			Med/Surg Lab	40	
			Geriatrics Theory	30	
			Geriatrics Clinical	40	
Total Contact Hours Required: 270			Total Contact Hours Required: 550		

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<u>SECOND QUARTER</u>			<u>FOURTH QUARTER</u>		
From: 03/26/2012 To: 07/20/2012			From: 11/12/2012 To: 06/28/2013		
Course Description Letter	Contact Hours	Grade	Course Description Letter	Contact Hours	Grade
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	
			Mental Health Clinical	40	
			Professional Development & NCLEX Review	60	
Total Contact Hours Required: 490			Total Contact Hours Required: 390		

(State's Exhibit 8, p. 59).

8. The Virginia Program Transcript further provides a "Summary of Clinical Agencies/Facilities and dates for each experience":

Clinical Courses	Clinical Agency	Clinical Start Date	Clinical End Date	Total Hours
Nsg. Fundamentals	[Clinical Facility 1]	03/19/12	03/23/12	40
Medical-Surgical Nsg.	[Clinical Facility 1] and [Clinical Facility 2]	09/10/12	10/12/12	200
Geriatrics Nsg	[Clinical Facility 3]	10/22/12	10/26/12	40
Maternity Nsg	[Clinical Facility 4]	02/04/13	02/08/13	40
Pediatrics Nsg	[Clinical Facility 4]	02/25/13	03/01/13	40
Mental Health Nsg	[Clinical Facility 5]	03/18/13	03/22/13	40

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(State's Exhibit 8, p. 60).

9. The Virginia Program Transcript also contains a key that includes "TC=Transfer credit." The abbreviation "TC" does not appear on the Respondent's Virginia Program Transcript.

(State's Exhibit 8, p. 59).

10. The Virginia Program Transcript also states: "All students must maintain a grade A or B, and pass the school's Exit exam to graduate." (State's Exhibit 8, p. 59).

LPN Licensure

11. On July 25, 2018, after the Respondent passed the NCLEX-PN examination, the Board issued a license to practice as an LPN in the State of Maryland to the Respondent. (State's Exhibit 3, p. 9).

12. The Respondent's LPN license is currently suspended pursuant to this matter, but is otherwise scheduled to expire on June 28, 2023. (State's Exhibit 3, p. 9).

13. While actively licensed as an LPN in Maryland, the Respondent worked as a private duty nurse for a healthcare staffing agency. (Transcript, p. 38).

Virginia Program

14. In 2021, the Board discovered information about the Program Director of the Virginia Program. Specifically, on July 8, 2021, in the United States District Court for the District of Maryland, the Program Director, along with two others, was indicted for Conspiracy to Commit Health Care Fraud; Conspiracy to Commit False Statements Relating to Health Care Matters; and False Statements Relating to Health Care Matters in violation of federal law. The indictment was based on selling fraudulent transcripts and diplomas that indicate that various individuals completed necessary courses and clinical hours to obtain nursing degrees. (State's Exhibit 6).

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15. The Board reviewed the Virginia Board of Nursing's approval history of the Virginia Program, which is as follows:

- On July 18, 2008, the Virginia Board of Nursing granted provisional approval to the Virginia Program to operate as a practical nursing education program in the Commonwealth of Virginia. (State's Exhibit 4, p. 12).
- On July 21, 2010, the Virginia Board of Nursing issued a Consent Order, to which the Program Director agreed, that placed the Virginia Program on conditional provisional approval for not less than one (1) year subject to certain terms and conditions.³ (State's Exhibit 4).
- On May 15, 2012, the Virginia Board of Nursing issued a Consent Order, to which the Program Director agreed, that ordered withdrawal of the Virginia Board's approval from the Virginia Program and that the Program shall cease operations no later than June 30, 2013, when all students have either graduated or transferred to an approved program.⁴ (State's Exhibit 5).

³ The Consent Order was based on the Virginia Board's findings: "(1) That six (6) graduates of [the Virginia Program]'s practical nursing education program did not complete clinical experiences in OB, Pediatrics, and Mental Health prior to graduation on October 17, 2009; (2) that transcripts were submitted to the Board indicating that all classroom and clinical courses had been completed, when, in fact, six (6) graduates of the program were required to return after graduation to complete additional testing and clinical hours; and (3) that six (6) graduates of the program did not receive at least four hundred (400) hours of direct client care experience prior to graduation." (State's Exhibit 4).

⁴ The Consent Order was based on the Program's various violations of Virginia law, including deficiencies in the Program's NCLEX-PN pass rates, organizational plan, faculty's involvement in formulating the Program's philosophy, licensure and competence of faculty members, student files, curriculum, and clinical experience. (State's Exhibit 5).

Board Investigation into the Respondent

16. Based on the above information about the Virginia Program, the Board searched its records for individuals who graduated from the Virginia Program and identified the Respondent as such a graduate. The Board then opened an investigation into the Respondent. (Transcript, pp. 17-18).

17. As a part of the investigation, the Board's investigators contacted each clinical facility identified on the Respondent's transcript and received the following responses:

- By e-mail dated August 5, 2021, the General Counsel for Clinical Facility 2 and Clinical Facility 3 (both owned and operated by the same company) stated: "I searched our contracts database and do not find any contracts with [the Virginia Program]. Additionally, as a skilled nursing facility, I do not believe we would have hosted clinicals for surgical nursing." (State's Exhibit 9, p. 62).
- By letter dated September 8, 2021, the Administrator for Clinical Facility 1 stated: "Thank you for contacting us regarding a School agreement for clinical rotation with [the Virginia Program]. We regret to inform you that after searching our records, we were unable to locate any school agreement for clinical rotations with [the Virginia Program]." (State's Exhibit 9, p. 61).
- During a phone call between the Board's investigator and the Executive Director of Clinical Facility 4, the Executive Director stated that the Facility does not offer OB/GYN or pediatric care. The Executive Director stated that the Facility is a program for troubled teens and provides transitional housing, parenting classes, and food programs for teen parents. The Executive Director further stated that there are no nurses on staff and that the

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Facility does not provide any medical services. The Executive Director further stated that the Facility hosted nursing students previously, but not from the Virginia Program. (State's Exhibit 11, p. 70; Transcript, pp. 26-27).

- By e-mail dated August 25, 2021, the Executive Director at Clinical Facility 5 stated: “[Clinical Facility 5] does not have any affiliation or contracts with any Nursing institute for any clinical hours.” (State's Exhibit 9, p. 65).

18. Board Investigators also interviewed the Respondent under oath. During the interview, the Respondent stated that she found out about the Virginia Program online, and she selected the program due to its low cost (between \$9,000 and \$10,000). The Respondent could not recall completing an application, and she stated that there were no prerequisites required for acceptance into the Virginia Program. The Respondent stated that she was notified of her acceptance after passing preliminary testing in math and English, but she never received an acceptance letter. The Respondent stated that her tuition was paid in cash, via a payment plan, and that she delivered cash payments to the receptionist at the program. The Respondent did not pay off the total balance until 2017, and she did not keep any receipts. The Respondent stated that she graduated from the Virginia Program in May of 2013. (State's Exhibit 11, pp. 69-70; State's Exhibit 10).

19. The Respondent stated that she attended class in person three days per week, and that instruction focused on one subject at a time. Subject matters changed weekly or monthly depending on how long the professor felt students needed to spend on a particular topic. The Respondent did not recall completing labs for any of the courses, but stated that after completing a class, students would practice skills on a “toy.” (State's Exhibit 11, p. 69; State's Exhibit 10).

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20. The Respondent recalled only vague details about her clinical experiences at the Virginia Program. She stated that she believed she went to Clinical Facility 5 (an assisted living facility) for her mental health nursing clinical. While at Clinical Facility 5, the Respondent stated that she helped with feeding patients, administered medications, and joined in the activities for the patients. (State's Exhibit 11, p. 69; State's Exhibit 10).

21. The Respondent stated that she thought she went to Clinical Facility 4 for her maternity and pediatrics clinicals. At her maternity clinical, the Respondent stated that she followed the facility's nursing staff as they explained what there were doing, helped to take vital signs, and "played with the babies." During the pediatrics clinical, the Respondent recalled watching others perform patient assessments, but never completing one herself. Again, she merely assisted with taking vital signs. (State's Exhibit 11, p. 69; State's Exhibit 10).

22. The Respondent stated that she completed a med/surg clinical experience at Clinical Facility 1, which lasted either three weeks or a month. During the clinical, she stated that she administered medications, fed patients, and worked with a patient with a feeding tube. (State's Exhibit 11, p. 69; State's Exhibit 10).

23. When asked about the clinical experiences at Clinical Facility 2 and Clinical Facility 3, which encompassed part of the med/surg clinical and all the geriatric nursing clinical listed on her transcript, the Respondent admitted that she never actually went to Clinical Facility 2 or Clinical Facility 3, nor did she complete any clinical experiences at either facility. (State's Exhibit 11, p. 70; State's Exhibit 10).

24. The Respondent stated that despite completing the Virginia Program in May of 2013, she did not take the NCLEX-PN[®] exam until 2018 because she still owed money for her

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tuition. (State's Exhibit 11, p. 70; State's Exhibit 10).

II. DISCUSSION

The evidence of fraud and deceit in this case, both circumstantial and direct, is overwhelming. In 2010, the Virginia Board of Nursing sanctioned the Virginia Program because six graduates of its practical nursing education program did not complete clinical experiences in obstetrics, pediatrics, and mental health prior to their graduation, yet their final transcripts were submitted to the Virginia Board of Nursing indicating that all classroom and clinical courses had been completed. (State's Exhibit 4, pp. 12-17). In fact, the Virginia Board of Nursing found that the graduates in question did not receive at least four hundred (400) hours of direct client care experience prior to graduation. *Id.* The Program Director for the Virginia Program acknowledged that such conduct was inappropriate and expressed regret for the lapse of good judgment. *Id.*

Less than two years later, the Virginia Program was sanctioned again. (State's Exhibit 5, pp. 18-21). The NCLEX-PN[®] pass rate for first-time test takers decreased from 75.93 percent in 2010 to 42.6 percent in 2011, well below the required 80 percent benchmark. *Id.* In addition, the Virginia Program suffered numerous deficiencies in its operations relating to its organizational plan, the faculty's involvement in formulating the program's philosophy, the licensure and competency of its faculty members, student files, curriculum, and, once again, clinical experiences. *Id.* As a result of its poor performance, on May 15, 2012, the Virginia Board of Nursing withdrew the Virginia Program's approval and ordered the program to cease operations no later than June 30, 2013. *Id.*

Faced with the closure of the Virginia Program, its Program Director then embarked on a breathtaking criminal enterprise, selling fraudulent transcripts and diplomas to individuals that did

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not complete necessary courses and clinical hours to obtain a nursing degree. As set forth in a sworn affidavit, FBI Special Agent 1 laid out the Program Director's criminal conspiracy in painstaking detail. (State's Exhibit 6, pp. 23-56).

In summary, the Program Director and an accomplice continued to operate the Virginia Program illegitimately after the Virginia Board of Nursing ordered it to close. (State's Exhibit 6, pp. 28-39). The Program Director offered individuals an opportunity to purchase fake LPN transcripts from the Virginia Program, which were backdated to a date prior to June 30, 2013. *Id.* Based on information and records provided by a confidential informant, in 2019, the FBI obtained photographic evidence of backdated transcripts from the Virginia Program and handwritten receipts reflecting that people had paid for the fraudulent documents. *Id.* The FBI interviewed one of the individuals implicated on the receipts, and the individual admitted that the individual agreed to pay the Program Director's accomplice \$7,000 for an illegitimate transcript from the Virginia Program. *Id.* The individual further admitted that the individual did not attend any of the classes or complete any of the clinical work listed on the individual's official transcript. *Id.* Finally, the individual stated that "many" people have participated in the fraudulent scheme. *Id.*

With this backdrop, the Board turns to the evidence pertaining directly to the Respondent. First, and foremost, the Respondent admitted under oath that she did not complete the clinical experiences at Clinical Facility 2 and Clinical Facility 3 that are listed on her official transcript from the Virginia Program. (State's Exhibit 11, p. 70; Transcript, p. 35; State's Exhibit 10). Nonetheless, the Respondent attested to the truth of the information in her LPN application, including that she completed all the requirements necessary to graduate with a diploma or degree from the Virginia Program. (State's Exhibit 2, p. 6; State's Exhibit 8, pp. 59-60; Transcript, p.

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16). This alone is sufficient to prove, by a preponderance of the evidence, that the Respondent engaged in fraud and deceit in violation of the Nurse Practice Act and the professional code of ethics, but the evidence in this case is even more compelling.

The Respondent was unable to recall any specific details of the clinical experiences she claimed to have completed, a curious outcome even accounting for the length of time that had passed, and the vague details that she did recall reflect that she did not engage in activities required to successfully complete a bona fide clinical experience. (State's Exhibit 11, pp. 69-70; State's Exhibit 10). For example, the Respondent recalled only that she "helped to take vital signs" and "play with the babies" during her maternity clinical. (State's Exhibit 11, p. 69). In addition, during her pediatric clinical, the Respondent watched others assess patients, but never actually assessed a pediatric patient herself. *Id.* Moreover, during a *mental health* nursing clinical, Respondent recalls helping to feed patients, administering medications, and joining in the activities with the residents. *Id.*

At best, these activities reflect some of the tasks that may be required to perform duties as a certified nursing assistant, or a medication technician, but they are not reflective of the clinical skills practiced by licensed practical nurses, including, but not limited to, collecting data for the assessment of the client, performing a focused nursing assessment, documentation of assessment, contributing to the nursing plan of care by reporting ongoing data collection, changes in patient condition(s), and making recommendations to individualize interventions specific to a client, assisting in the coordination of client care with other health care team members, implementing standardized or RN developed teaching plans, implementing assigned components of the nursing care plan, and supervising certified nursing assistants and unlicensed personnel. *See Generally*

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COMAR 10.27.10.02.

Clinical experiences require the student to “apply nursing knowledge and skills in the direct care of patients.” COMAR 10.27.03.01.B(5)(a). Moreover, clinical experiences must “be sufficient in quantity and quality to provide opportunities for students to achieve the stated objectives, outcomes, or competencies” required by the nursing education program, and “[s]tudents shall have sufficient opportunities to develop the knowledge, skills, and abilities essential for a safe and effective nursing practice.” COMAR 10.27.03.13.I and J.

The activities described by the Respondent fall far short of satisfying these basic requirements for clinical experiences, and when considered in the broader context of this case, it is clear to the Board that a much simpler explanation is available; the Respondent is lying, and she did not complete any of the clinical experiences listed on the Virginia Program Transcript, a conclusion bolstered by the fact that none of the facilities listed as clinical sites on the Virginia Program Transcript could produce any evidence of an affiliation with the Virginia Program.⁵ (State’s Exhibit 9, pp. 61-66).

There are other facts and oddities in the record that raise red flags and contribute to the body of evidence supporting fraud. For instance, the Respondent’s Virginia Program Transcript reflects that she completed her clinical experience in Nursing Fundamentals between March 19, 2012, and March 23, 2012, which was several days *before* she began taking a course of didactic

⁵ In addition, Clinical Facility 5 stated that its facility “does not have any affiliation or contracts with any Nursing institute for any clinical hours.” (State’s Exhibit 9, p. 65). The representative for Clinical Facility 2 and Clinical Facility 3 stated that “as a skilled nursing facility, I do not believe we would have hosted clinicals for surgical nursing.” (State’s Exhibit 9, p. 62). Finally, Clinical Facility 4 stated that it had no nurses on staff and didn’t even provide any medical services. (State’s Exhibit 11, p. 70; Transcript, pp. 26-27).

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instruction in Nursing Fundamentals. (State's Exhibit 8, pp. 59-60). When confronted about this glaring contradiction, the Respondent simply stated that she "took the class before the clinicals." (State's Exhibit 11, p. 70).

In addition, if the Respondent's version of events is to be believed, she waited approximately 5 years after graduating from the Virginia Program to take the NCLEX-PN® exam, ostensibly because she was still paying outstanding tuition. (State's Exhibit 8; State's Exhibit 11, pp. 67 and 69). However, as noted by FBI Special Agent 1 in his affidavit, such delays were common among recent LPN applicants from the Virginia Program and were "an indicator of fraud." (State's Exhibit 6, p. 31). As FBI Special Agent 1 notes, "medical professionals do not normally wait significant periods of time (e.g., years) before applying to become practicing medical professionals," which further bolsters the conclusion that the Respondent's transcript was backdated to appear legitimate. *Id.*⁶

Taken as a whole, the record in this case clearly supports a conclusion that the Respondent is not a credible witness, that she participated in a scheme to defraud the Board by purchasing a fake transcript from the Virginia Program, which includes information that is materially false and misleading, and that the Respondent knowingly used the fake transcript to obtain LPN licensure in Maryland despite not meeting the minimum educational qualifications for licensure.

⁶ It is also unusual and suspicious that the Respondent does not remember completing an application for admission to the Virginia Program, that there were no prerequisite requirements for admission, and that the Respondent did not receive an acceptance letter or notification from the Virginia Program. (State's Exhibit 11, p. 69). Moreover, the tuition payment arrangement (*i.e.*, cash installments paid to the Program's receptionist) is also highly unusual and suspicious, particularly given the Virginia Program's history of violations involving students that received diplomas but did not complete the required clinical experiences. (State's Exhibit 11, p. 69). The Board infers that these abnormalities were subterfuge to conceal the fraudulent scheme.

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Findings

A. *Charges*

The Board charged the Respondent with fraudulently or deceptively obtaining an LPN license in violation of Health Occ. § 8-316(a)(1). The Board finds, and the Respondent admits, that the Virginia Program Transcript submitted to the Board as part of the Respondent's application for licensure as an LPN was false and fraudulent. The Respondent admits that she did not complete clinical experiences at Clinical Facility 2 or Clinical Facility 3, as documented on the Transcript.

Furthermore, upon weighing the entirety of the evidence against the Respondent's lack of credibility, the Board finds, by a preponderance of the evidence, that the Respondent was aware that the information on her application about her nursing education program was incorrect and misleading, but submitted her application affirming that the contents therein were true and correct to the best of her knowledge and belief. Accordingly, the Board finds that the Respondent fraudulently and deceptively obtained an LPN license in violation of Health Occ. § 8-316(a)(1).

The Board also charged the Respondent with violating the professional code of ethics by knowingly participating in or condoning dishonesty, fraud, deceit, or misrepresentation in violation of Health Occ. § 8-316(a)(25), with the underlying ground of COMAR 10.27.19.02B(1). By attesting to the truthfulness of the contents of her application, and based on the discussion above, the Board finds that the Respondent violated the professional code of ethics by knowingly participating in and condoning dishonesty, fraud, deceit, and misrepresentation in violation Health Occ. § 8-316(a)(25), with the underlying ground of COMAR 10.27.19.02B(1).

The Board also charged the Respondent with fraudulently or deceptively using a license in violation of Health Occ. 8-316(a)(2). The Board finds that, by practicing nursing under an LPN

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license that was obtained by fraud or deceit, the Respondent fraudulently and deceptively used that license in violation of Health Occ. § 8-316(a)(2).

The Board also charged the Respondent with violating the regulations adopted by the Board that require an applicant for the LPN examination to complete satisfactorily and meet all requirements for a diploma from an LPN education program in any other state determined by the Board to be substantially equivalent⁷ to the licensed practical nursing education programs approved in this State at the time of the applicant's graduation, in violation of Health Occ. § 8-316(a)(30), with the underlying ground of COMAR 10.27.01.05B(1)(b). The Respondent does not argue that the Virginia Program was substantially equivalent, and as discussed above, the Board finds, and the Respondent admits, that the Virginia Program Transcript submitted with her application for LPN licensure was fraudulent. Accordingly, the Board finds that the Respondent did not satisfactorily complete or receive a valid diploma from the Virginia Program, and because the Respondent does not hold a valid diploma from a substantially equivalent LPN education program, the Board finds that the Respondent has violated the Board's regulations by not meeting the educational qualifications for licensure as an LPN in the State of Maryland in violation of Health Occ. § 8-316(a)(30) with the underlying ground of COMAR 10.27.01.05B(1)(b).

Finally, the Board also charged the Respondent with violating the Nurse Practice Act while holding a nonrenewed CNA/GNA certificate and nonrenewed MT certificate in violation of Health Occ. § 8-6A-10(a)(20) and (26). The Board finds that the Respondent's CNA/GNA certificate and MT certificate were nonrenewed at the time of the above violations. Accordingly, the Board finds that the Respondent violated the Nurse Practice Act, specifically Health Occ. § 8-316(a)(1), (2),

⁷ See Footnote 1.

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(25), and (30), while holding a nonrenewed CNA/GNA certificate and nonrenewed MT certificate in violation of Health Occ. § 8-6A-10(a)(20) and (26).

B. *Summary Suspension*

On June 8, 2022, the Board summarily suspended the Respondent’s LPN license based on the Board’s finding that the public health, safety, and welfare imperatively required emergency action, and continued that summary suspension on June 21, 2022. It is critical for the health, safety, and welfare of all Marylanders that nurses who are practicing in the State of Maryland meet all minimum qualifications for licensure and that they obtain licensure based on valid documents and information. As stated above, the Board finds that the Respondent does not meet minimum qualifications for licensure as an LPN in the State of Maryland, that the transcript submitted with the Respondent’s application was false and fraudulent, and that the Respondent fraudulently and deceptively obtained an LPN license in the State of Maryland. Accordingly, the Board affirms the summary suspension of the Respondent’s LPN license on June 8, 2022.

Sanction

The Board finds that the Respondent’s violations of the Nurse Practice Act fall within Category L(2) of the Board’s sanctioning guidelines. COMAR 10.27.26.07L(2) (“Fraudulent or deceitful conduct or misrepresentation with physical, emotional, or financial harm or a risk of physical, emotional, or financial harm.”). Category L(2) ranges from reprimand to revocation, and a monetary penalty range of \$1,000 to \$5,000. *Id.*

Because the Respondent does not meet minimum qualifications for licensure as an LPN in the State of Maryland, the Board finds that the only appropriate sanction in this case is a *permanent* revocation of the Respondent’s LPN license, license number LP54002, such that the Respondent’s

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LPN license, license number LP54002, shall never be eligible for reinstatement. The Board will, however, accept an application from the Respondent for *initial* licensure as an LPN in the future, provided that the Respondent completes a practical nursing education program that meets all applicable laws and regulations.

Based on the foregoing violations, the Board will reprimand the Respondent's CNA/GNA certificate, certificate number A00134308, and MT certificate, certificate number MT0081436.

IV. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the public health, safety, and welfare imperatively required the summary suspension of the Respondent's LPN license, as ordered by the Board in its June 8, 2022 "Order for Summary Suspension of Licensed Practical Nurse License Pursuant to Section 10-226(c)(2) of the Administrative Procedure Act."

Based on the foregoing Findings of Fact, the Board concludes, as a matter of law, that the Respondent violated Health Occ.:

§ 8-316(a):

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or for another;
- (2) Fraudulently or deceptively uses a license;
- (25) Engages in conduct that violates the professional code of ethics; *to wit*:

COMAR 10.27.19.02B. A nurse may not, when acting in the capacity or identity of a licensed nurse:

- (1) Knowingly participate in or condone dishonesty, fraud, deceit, or misrepresentation;

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

COMAR 10.27.01.05B. An applicant for the licensed practical nurse licensure examination shall:

- (1) Meet all requirements for a high school diploma or its equivalent and complete satisfactorily and met 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 to the licensed practical nursing education programs approved in this State at the time of the applicant's graduation;

And

§ 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)(1), (2), (25), and/or (30);
- (26) When holding an expired certificate or a lapsed certificate, commits any act that would be grounds for disciplinary cation under this section[.]

V. ORDER

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

ORDERED that the summary suspension of the license of the Respondent, Winifred Sackey, to practice as a licensed practical nurse in the State of Maryland, license number LP54002, as ordered by the Board in its June 8, 2022 "Order for Summary Suspension of Licensed Practical Nurse License Pursuant to Section 10-226(c)(2) of the Administrative Procedure Act," is hereby **AFFIRMED and LIFTED AND TERMINATED**; and it is further

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ORDERED that the license of the Respondent, Winifred Sackey, to practice as a licensed practical nurse in the State of Maryland, license number LP54002, is hereby **PERMANENTLY REVOKED**; and it is further

ORDERED that the Respondent shall never be eligible for reinstatement of her licensed practical nurse license, license number LP54002; and it is further

ORDERED that the Respondent may apply for initial licensure as a licensed practical nurse after a minimum of one (1) year from the effective date of this Order has passed, provided that the Respondent produces evidence of completion of a licensed practical nursing education program that is either approved by the Board or that the Board finds to be substantially equivalent pursuant to section 8-302(c)(2)(ii) of the Health Occupations Article, Maryland Annotated Code, as well as meeting all other minimum qualifications to be issued an initial license to practice licensed practical nursing in the State of Maryland; and it is further


ORDERED that pursuant to the Nurse Licensure Compact, the multistate status of the Respondent's revoked LPN license shall be **deactivated**. Accordingly, the Respondent shall not have a multistate licensure privilege to practice as an LPN in any party state to the Nurse Licensure Compact unless and until the Board, in its discretion, grants a new LPN license to the Respondent and the Respondent is not otherwise disqualified from holding a multistate license at that time; and it is further

ORDERED that the certificate of the Respondent, Winifred Sackey, to practice as a certified nursing assistant/geriatric nursing assistant in the State of Maryland, certificate number A00134308, as well as the certificate to practice as a medication technician in the State of Maryland, certificate number MT0081436, are hereby **REPRIMANDED**, and it is further

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ORDERED that this Order is a **PUBLIC RECORD** under Md. Code Ann., General Provisions Article §§ 4-101 *et seq.* (2019).

6/15/23
Date


Rhonda Scott, JD, BSN, CRNI, SD-CLTC
The Acting Executive Director's Signature
Appears on the Original Document
Maryland Board of Nursing

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under Md. Code Ann., Health Occ. § 8-316(a) and § 8-6A-10(a) may take a direct judicial appeal within thirty (30) days of the date this Order is mailed as provided by Md. Code Ann., Health Occ. § 8-318 and § 8-6A-11, Md. Code Ann., State Gov't § 10-222, and Maryland Rule 7-203(a)(2) ("Time for Filing Action").