



# Board of Nursing

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## Operation Nightingale Frequently Asked Questions DATE: March 15, 2023

### Questions and Answers

#### **Who bears the responsibility in this case?**

The responsibility for this alleged fraud rests squarely on the shoulders of the perpetrators. This was a brazen attempt to misuse nursing education programs. This is a complex investigation. It is important to understand that the schools involved in these investigations do have *legitimate* graduates. The allegedly fraudulent transcripts and diplomas provided to individuals who did not attend or successfully complete the program may look just like those issued to legitimate graduates.

When education programs fail to maintain the best teaching standards or try and circumvent requirements, it creates significant challenges and threats to public health.

Nursing regulatory bodies like the Maryland Board of Nursing (the “Board”) are constantly working to ensure that all nurses and candidates are legitimate. For example, in December 2018, the Board implemented new, more robust methods for enforcing Health Occ. § 8-302(b)-(c), which requires the Board to determine whether an out-of-state nursing education program attended by an applicant is substantially equivalent to Board-approved program in Maryland before the applicant is deemed eligible for licensure in Maryland. The Board is fully committed to fully resolving this matter.

#### **Does the Board have this list of names available yet that identifies all the fraudulent individuals who received illegitimate diplomas and credentials? Can we get a copy?**

This is an ongoing investigation, and each individual is afforded due process. The Board cannot assume that every individual identified in the authorities’ investigations obtained illegitimate educational credentials. As with any case involving potential revocation or other action on an individual’s nursing license, the Board is following Maryland’s required processes, including appropriate due process steps. Accordingly, the Board cannot share the list at this time.

#### **What will happen to the individuals who received fake degrees if they are still licensed and working in health care settings?**

The Board is dedicated to identifying individuals who supplied illegitimate education credentials in order to obtain licensure. As with any case involving potential license revocation or other action on an individual’s license, the Board is following Maryland’s required processes, including appropriate due process steps. If it is proven that the individual’s education credentials were fraudulent, the Board will take swift action to revoke the individual’s license.

**This seems like an urgent public safety crisis. Why are these individuals allowed to continue practicing as licensed nurses?**

As noted above, the Board cannot assume that every individual identified in the authorities' investigations obtained illegitimate education credentials. As with any case involving potential revocation or other action of an individual's license, the Board must follow Maryland's required process, including appropriate due process steps. The Board is acting diligently and expeditiously to identify, investigate, and resolve these matters.

**What are you doing to ensure this never happens again?**

The Board is constantly reviewing its licensure and application processes to find ways to improve them. Through the course of this investigation, if the Board identifies any additional safeguards and solutions that are needed, they will be introduced. Individuals identified by the investigation as possibly illegitimate have been flagged in NCSBN's nationwide data system so boards can monitor them until their case is resolved or stop them from applying for a license in the future.

As for prior and ongoing Board efforts, in December 2018, the Board implemented new, more robust methods for enforcing Health Occ. § 8-302(b)-(c), which requires the Board to determine whether an out-of-state nursing education program attended by an applicant is substantially equivalent to Board-approved program in Maryland before the applicant is deemed eligible for licensure in Maryland. The Board also requires transcripts from the nursing program directly (emailed preferably or mail) or an agency such as Parchment. The Board does not accept transcripts directly from the applicant.

**Have the employers of these individuals under investigation been notified?**

Following the Board's investigation, if the Board has taken an action against an individual's license, including revoking it, then the employer will be notified if they are enrolled in NCSBN's free Nursys e-Notify® notification service. It is the responsibility of employers to ensure their nurses have the correct and current licenses.

There are several ways employers can do that through the Nursys® system. The Board is committed to working with employers in the state to ensure public safety.

**How do you know there aren't more individuals than who has been identified so far?**

The Board is working with the proper authorities to identify and revoke fraudulent licenses. If or when the Board becomes aware of possible fraud, the Board will investigate and take action immediately. The Board will continue to partner with law enforcement to detect, investigate, and resolve these matters.

**How did candidates pass the exam without formal education?**

One cannot assume that the individuals identified in the authorities' investigation took the NCLEX® without any nursing education. More than likely, those who were authorized to take the NCLEX based

on illegitimate credentials and subsequently passed it, had previous training, education, or experience at some other level of nursing or were internationally educated or trained. The NCLEX is designed to measure the level of knowledge currently required to practice competently at an entry level. It does not measure or assess whether an individual completed an education program or retained knowledge from that program.

### **Why weren't these fake credentials detected before this investigation?**

The Board is constantly working to ensure that all licensure candidates obtained legitimate education credentials as a part of normal process. It is important to note that the education programs involved in the authorities' investigations did have legitimate graduates, and the transcripts and diplomas provided to individuals who did not attend or successfully complete the program may look just like those issued to legitimate graduates.

When education institutions operate unethically and inconsistent with best practices, it creates significant challenges to the nursing licensure process. Nursing regulatory bodies are constantly working to ensure that all nurses and candidates are legitimate, and boards are committed to fully resolving this matter.

### **Is anything being done to prevent these individuals from moving to another state to practice?**

Individuals identified by the investigation have been flagged in NCSBN's nationwide database system. If they apply for licensure in another state, the board in that state can see the flag and will be responsible for addressing each case according to the state's own procedures.

### **How safe is our nursing workforce?**

According to data from NCSBN, the vast majority of the nation's more than 5.3 million nurses are competent, safe, and caring individuals. Less than 1% of nurses in the U.S. are disciplined annually. It is important to understand that the individuals identified in this case comprise an extremely small percentage of the overall workforce and do not represent the excellent nurses who provide top health care in our state every day.

### **I have information about an individual that may be related to this investigation. What should I do?**

If you have any information about a person that you believe may evidence a violation of the Maryland Nurse Practice Act, please fill out a complaint form and submit it to the Board as soon as possible. You can access the electronic complaint form by clicking on the following link: <https://mbon.maryland.gov/Pages/complaint-procedures.aspx>.

**I am an employer. Should I suspend or terminate my employee if the employee attended one of the identified fraudulent nursing education programs?**

The Board cannot provide employers with advice concerning employment matters. The Board recommends that employers consult with their own legal counsel.

**Where can I find updated information about this matter?**

You can regularly check the “Operation Nightingale” page on the Board’s website. The Board will post all disciplinary actions taken against individuals that are related to attending a fraudulent nursing education program on this page.