

IN THE MATTER OF

*

BEFORE THE MARYLAND

*

ALLAN AFEGENUI

*

BOARD OF NURSING

*

REGISTERED NURSE

*

ENDORSEMENT APPLICANT

*

**CONSENT ORDER
DENYING APPLICATION FOR ENDORSEMENT OF REGISTERED NURSE
LICENSE**

During an investigation of individuals who submitted fraudulent applications and transcripts to the Maryland Board of Nursing (the “Board”) for licensure, **ALLAN AFEGENUI** (the “Applicant”), was identified as one of the individuals. Based on the Board’s investigative findings, on March 8, 2022, the Board issued a “Notice of Agency Action: Charges under the Maryland Nurse Practice Act: Initial Denial of Application of Registered Nurse License” (the “Charges”), denying the Applicant’s Application for Endorsement of Registered License, in the State of Maryland. The Charges alleged that the Applicant violated the Maryland Nurse Practice Act (“the Act”), Md. Code Ann., Health Occupations Article (“Health Occ.”) § 8- 316 (a) (10), with underlying charges §8-316 (a) (1) and (30).

The Applicant, through his attorney, and the State agreed to, and the Board hereby accepts, the following Findings of Fact, Conclusions of Law, and Order.

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FINDINGS OF FACT

The Board finds that:

1. On January 31, 2018, the Applicant was issued a Licensed Practical Nurse (“LPN”) license in the State of Maryland. The Applicant’s LPN license is “non-renewed” and expired on September 28, 2020.
2. On or about October 30, 2019, the Applicant submitted an Application for Registered Nurse (RN) license by Exam to the Florida Board of Nursing. The Applicant indicated on the application that he graduated from RN School in Florida.¹ On June 16, 2020, the Applicant was issued a RN license in Florida and the Applicant’s Florida RN license has a status of “active/single state” and is due to expire on April 30, 2022.
3. On January 12, 2021, the Applicant was issued an RN license by endorsement, license number 0001299726, in the Commonwealth of Virginia. On March 22, 2022, the Virginia Board of Nursing issued an Order of Mandatory Suspension, ordering the suspension of the Applicant’s RN license and deactivation of any multi-state licensure privilege.

MARYLAND APPLICATION FOR ENDORSEMENT OF RN LICENSE (“RN APPLICATION”)

4. On or about June 19, 2020, the Applicant submitted an on-line RN Application. The Applicant indicated on the RN Application that he graduated on January 9, 2020 from RN School.

MARYLAND APPLICATION FOR EXAM OF LPN LICENSE (“LPN APPLICATION”)

5. On or about October 30, 2017, the Applicant submitted an on-line LPN Application. The Applicant indicated on the LPN Application that he graduated on June 28, 2013 from LPN School.

¹ RN School is not a Board approved out of state RN education program.

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6. The Applicant affirmed and agreed to the following statement: “I affirm that the contents of this document are accurate to the best of my knowledge.” The Applicant was advised that “providing false or misleading information may result in disciplinary action by the Board, and may result in denial of licensure.”

LPN SCHOOL

7. On July 21, 2010, the Virginia Board of Nursing approved a Consent Order, ordering that [LPN School] be placed on Conditional Provisional Approval for not less than one (1) year, subject to terms and conditions. The Consent Order was signed by LPN School’s Program Director (“Director”).
8. On May 15, 2012, the Virginia Board of Nursing approved a Consent Order, signed by Director. The May 15, 2012 - Consent Order orders that:
- i. [LPN School’s] approval to operate a practical nursing education program in Virginia is WITHDRAWN. [LPN School] shall cease operations no later than June 30, 2013, when all students shall either have graduated or transferred to an approved program.
 - ii. [LPN School] shall not admit any new or transfer students.

THE APPLICANT’S LPN SCHOOL OFFICIAL TRANSCRIPT

9. The Official Transcript, signed by Executive Program Director (“Director”) and dated June 28, 2013, provides the following information:

<u>Start date: 4-16-2012</u>	<u>Completion date: 6/28/2013</u>
<u>FIRST QUARTER</u> <u>From: 04/16/2012 To: 06/15/2012</u>	<u>THIRD QUARTER</u> <u>From: 10/15/2012 To 02/08/2013</u>
<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
<u>SECOND QUARTER</u> <u>From: 06/18/2012 To: 10/12/2012</u>	<u>FOURTH QUARTER</u> <u>From: 02/11/2013 To: 6/18/2013</u>
<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

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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
Nsg. Fundamentals	[Site A]	10/08/12	10/12/12	40
Medical-Surgical Nsg.	[Sites A, B, C]	11/12/12	12/14/12	200
Geriatrics Nsg.	[Site D]	12/17/12	12/21/12	40
Maternity Nsg.	[Site E]	04/08/13	04/12/13	40
Pediatrics Nsg.	[Site E]	05/06/13	05/10/13	40
Mental Health Nsg.	[Site F]	05/27/13	05/30/13	40

THE BOARD’S INVESTIGATION:

10. On August 5, 2021, a Board Investigator contacted the General Counsel for Clinical Sites B, C and D, requesting information on any agreements with LPN School. On August 5, 2021, the General Counsel responded by email, stating “I searched our contracts database and do not find any contracts with [LPN School]. Additionally, as a skilled nursing facility, I do not believe we would have hosted clinicals for surgical nursing.”
11. On August 6, 2021, a Board Investigator contacted Clinical Site E’s Executive Director by phone. Executive Director stated that Clinical Site E does not offer OB/GYN or pediatric care and that the program offers services to troubled teens, there are no nurses on staff and the program does not offer any medical services.
12. On August 25, 2021, the Board’s staff was notified by email that Clinical Site F “does not have any affiliation or contracts with any nursing institute for any clinical hours.”
13. In a letter dated September 8, 2021, the Board’s staff was notified by Clinical Site A, “we regret to inform you that after searching our records, we were unable to locate any school agreement for clinical rotations with [LPN School].”

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14. On September 7, 2021, the Applicant was interviewed under oath and provided the following information:

- i. He has been employed by Staffing Agency as a RN for one year and was previously employed at Facility as an LPN in 2018.
- ii. His primary state of residence (PSOR) has always been Maryland but he plans to change his PSOR to Virginia.
- iii. He started attending LPN school in 2012 and graduated in 2013. It was a “one-year program.”
- iv. Classes were in-person and taught by three instructors including Director.² Classes were five days a week or every other day, at times 12 hours/day or “flexible.”
- v. He paid a total amount of \$15, 000 to \$16, 000 in cash for the program.
- vi. [when asked about locations of clinical sites] He was unable to recall the names and specific locations of the sites.
- vii. [when provided with a copy of LPN School transcript and list of clinical sites] He stated that he “observed” nurses doing procedures; was not permitted to touch patients and provided no patient care. Students went back to the “practical site at the school” and demonstrated what was observed on a mannequin. He completed all courses and clinicals listed on the transcript “but not in 14 months” as listed on the transcript. He completed the program in eighteen months and the transcript was “false” regarding completing the program in 14 months. He picked up the transcript from Director in 2015 and acknowledged he had a copy of the transcript when he submitted his application. He could not provide a date of graduation from LPN School.
- viii. [when provided with a copy of the LPN application] He confirmed he completed the on-line application and indicated the same graduation date of June 28, 2013 listed on the transcript, which he stated was “false.” He could not provide an explanation why he entered the same date on the application.
- ix. He attended RN School³ in Florida, paid \$21, 000 cash and travelled from Maryland to take courses. Although Maryland was his PSOR, he applied for a Florida RN license because he attended school in Florida.⁴

DISCUSSION

The Applicant knowingly provided false information about his graduation date on his LPN application and a fraudulent transcript was submitted to the Board in support of his application.

² 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.

³ RN School transcript is signed by Individual.

⁴ When asked in what states he was licensed as a RN, he did not disclose that he had a VA RN license.

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LPN School did not meet the Board's requirement of "substantially equivalent to the licensed practical nursing education programs approved in this State at the time of the applicant's graduation." The Applicant stated during the Board's investigative interview that the graduation date, on the transcript and on the LPN application, was incorrect and that he completed the program in 18 months not in 14 months, as indicated on the transcript. Therefore, the Board finds that the Applicant violated Health Occ. § 8-316 (a) (10) underlying charges §8-316 (a) (1) and (30) with underlying grounds COMAR 10.27.01.05 B (1) (b).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Applicant violated Md. Code Ann., Health Occ.:

- § 8-316 (a):
- (10) Has violated any provision of this title, *to wit*,
 - (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or for another;
 - (30) Violates regulations adopted by the Board or an order from the Board; *to wit*, COMAR 10.27.01.05 B. An applicant for the licensed practical nurse licensure examination shall:
 - (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 equivalent⁵ to the licensed practical nursing

⁵ COMAR 10.27.01.01 C. provides: "Substantially equivalent" means a registered nursing or licensed practical nursing education program that:

- (1) Contains theoretical learning experiences and related clinical learning experiences that include direct patient care within various settings consistent with program objectives, outcomes, or competencies conducted either concurrently with or after the theoretical learning experience; and
- (2) Meets the curriculum requirement for Maryland schools of nursing at the time of the applicant's graduation, including, but not limited to:
 - (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: ...
 - (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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education programs approved in this State at the time of the applicant's graduation.

ORDER

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

ORDERED that the Application for Endorsement of Registered Nurse License of **ALLAN AFEGENUI**, is **DENIED**, and it is further

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

4/27/22
Date

Gary N.
President
Maryland

Gary N. Hicks, MS, RN, CEN, CNE
The Board President's Signature
Appears on the Original Document

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CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby agree the Board has enough evidence to prove by a preponderance of the evidence the above Findings of Fact and violations, and I accept and submit to the foregoing Consent Order and its conditions. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.

I sign this Consent Order voluntarily and without reservation, after having an opportunity to consult with an attorney and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.



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NOTARIZATION

STATE OF _____

CITY/COUNTY OF _____

I HEREBY CERTIFY that on this ____ day of _____, 2022, before me, a Notary Public of the State of _____ of the City/County afore-said, personally appeared **ALLAN AFEGENUI** and declared and affirmed under penalties of perjury that signing the foregoing Consent Order was his voluntary act and deed.

Notary Public

My commission expires: _____.