

IN THE MATTER OF * BEFORE THE MARYLAND
*
SAMANTHA ANN BEASLEY * BOARD OF NURSING
*
License Number: R140336 *
*

* * * * *

**ORDER FOR SUMMARY SUSPENSION OF REGISTERED 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 **SAMANTHA ANN BEASLEY** (the “Respondent”), to practice as a Registered Nurse, License Number **R140336**, in the State of Maryland. The Board takes this action pursuant to the authority of Maryland Code Ann., State Gov’t Article § 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 gives the licensee:
 - 1. Written notice of the suspension, the finding and the reasons that support the finding; and
 - 2. An opportunity to be heard.

On February 22, 2023, a pre-deprivation show-cause hearing was held before the Board to give the Respondent an opportunity to present oral argument as to why the Board should not summarily suspend the Respondent’s license. The Respondent was present at the Show Cause Hearing. The Administrative Prosecutor - Assistant Attorney General, was present at the Show Cause hearing on behalf of the State.

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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 July 31, 1998, the Respondent was issued a Registered Nurse (“RN”) license in the State of Maryland. The Respondent’s RN license has a status of “Active – Compact State” and is due to expire on September 28, 2024.

COMPLAINT

2. On or about August 26, 2021, the Board received a complaint from Hospital. The complaint alleged that: on June 14, 2021, the Respondent was hired as a RN on the intermediate care unit; on two separate occasions, the Respondent’s preceptors reported that the Respondent misplaced patient medications; on August 3, 2021, the Respondent’s preceptor reported the Respondent’s speech was “slurred” and that she was “nodding off”; the Respondent was escorted to Occupational Health for “for cause” testing; the Respondent refused testing; and the Respondent’s employment was terminated on August 13, 2021.

SAFE PRACTICE PROGRAM (“PROGRAM”)

3. The Respondent submitted an Application to the Program, signed and dated on September 24, 2021.
4. On October 14, 2021, the Respondent entered into a Participation Agreement (“Agreement”) with SPP Committee (the “Committee”) and the Agreement was to remain in effect for five years.² On October 21, 2021, the Respondent signed an Affidavit &

¹The statements regarding the Respondent’s conduct identified herein are intended to provide the Respondent with reasonable notice of the asserted facts. 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.

² The Respondent does not have a current, signed Authorization for Release of Information – Safe Practice Program on file.

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Acknowledgment of Safe Practice Agreement, acknowledging that the Respondent reviewed the Agreement and understood the terms.

5. As part of the Agreement, the Respondent agreed to, *inter alia*, the following:
- a. It is [the Respondent's] responsibility to notify any nursing employer of [the Respondent's] relationship with the Committee and show [the Respondent's] nursing employer this agreement;
 - b. [The Respondent] may continue to seek employment;
 - c. If [the Respondent] change[s] positions or seek new employment, [the Respondent] must obtain approval from the Committee prior to accepting the position;
 - d. [The Respondent] may not work in a setting or role in which [the Respondent] have access to, by any means, automated or key, controlled dangerous substances, including any mood-altering drugs;
 - e. [The Respondent] may not work in a setting or role in which [the Respondent is] dispensing, accessing, or administering controlled dangerous substances, including mood-altering drugs;
 - f. [The Respondent] may not work in an emergency room, critical care unit, intensive care unit, operating room, recovery room, delivery room, school, for a temporary agency, home health care settings, hospice, or any settings where there is not a supervising RN immediately available in the clinical setting without prior approval of the Committee;
 - g. [The Respondent] shall attend a minimum of two support group meetings (such as AA, NA, Celebrate Recovery) weekly and secure a sponsor within 1 month of signing this agreement. [The Respondent] will submit signed attendance sheets to the Committee monthly;
 - h. [The Respondent] shall not consume poppy seeds, tonic water, quinine water, hemp tea, cough syrups, cannabidiol (CBD), or other products containing substances that trigger a positive drug screen;
 - i. [The Respondent] shall arrange for and submit to **random monthly toxicology screens**, at any time, of urine, breath, hair, nail, or blood, through any entity selected by the Safe Practice Committee (currently **FSSOLUTIONS**)³. [The Respondent] shall register with the identified provider **within 7 days** from the date of this agreement. These screens shall be not less than twice monthly, and can be up to **36-40 times per year**. [The Respondent's] employer...or the Committee may request a random toxicology screen at any time. [The Respondent understands] that any screening results/reports from employers and/or ... do not replace or substitute [the Respondent's] required tests for the Board of Nursing. Any positive drug screens/breathalyzer shall be reported to the Committee and will be considered a violation of this agreement. **[The Respondent understands] that toxicology screens must continue until [the Respondent is] formally discharged from the Program, in writing;**
 - j. It is [the Respondent's] responsibility to instruct the laboratory ... to send a copy of all toxicology screens to the Committee, and to notify the Committee of a

³ Now known as Vault Health.

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positive or missed toxicology screen or unsatisfactory work.... **A missed toxicology screen will be considered a violation of this agreement;**

- k. [The Respondent] shall provide the Committee with **written (quarterly) progress reports** evaluating [the Respondent's] progress towards rehabilitation and elaborating on [the Respondent's] recovery program. These reports are required to be submitted, **even if [the Respondent is] not working at all or not working in the nursing field;**
- l. [The Respondent's] shall arrange for [the Respondent's] **employer and ...**, including all prescribing physicians, to provide **written quarterly progress reports** regarding [the Respondent's] compliance and progress toward rehabilitation. It is [the Respondent's] responsibility to notify all employers and providers when these reports are due. These reports must address [the Respondent's] compliance, progress toward rehabilitation, and work performance. The reports are to be submitted even though [the Respondent] may not be working in the field of nursing;
- m. Should [the Respondent] be prescribed any medication, [the Respondent] will notify the Committee **immediately**, in writing, and send a copy of the prescription or the pharmacy report to the Committee within 48 hours of the prescribed date. [The Respondent] agrees to show this Participation Agreement to any health care provider who prescribes for [the Respondent] including, but not limited to, pain management clinicians, dentists, emergency and urgent care providers. If [the Respondent is] prescribed any controlled dangerous substances or mood-altering medications, [the Respondent] will, in addition to notifying the Committee, obtain a copy of the medical record pertaining to the condition which necessitated the prescription and submit it to the Committee. [The Respondent agrees] not to take any mood-altering drug unless it has been approved by [the Respondent's] program/treatment provider;
- n. [The Respondent] shall not engage in the conduct that led to [the Respondent's] request for admission to the Program and shall remain drug and alcohol free;
- o. [The Respondent understands] that non-compliance with this agreement shall be grounds for Program expulsion and may result in immediate suspension of [the Respondent's] license to practice nursing. Should [the Respondent] be expelled from the Program, [the Respondent understands] that a formal investigative report, along with all Safe Practice Program records, will be forwarded to the Board of Nursing for consideration and decision for potential disciplinary action.

Self-Reports:

6. The Committee did not receive any self-reports.

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Employer⁴ Progress Reports:

7. Employer submitted an Employment Verification Form, dated October 21, 2021, indicating that the Respondent was employed as a COVID Testing Nurse, testing students in an assigned school.
8. Employer submitted one work-site report form dated, November 1, 2021.
9. The Committee did not receive any progress reports after November 2021.
10. By email dated October 28, 2021, the Respondent submitted a request for job approval on the medical-surgical unit at Hospital A.⁵ The Respondent was informed by the Board's Monitoring Coordinator to submit a job description for review by the Committee.
11. By email dated November 3, 2021, the Respondent informed the Monitoring Coordinator that she decided to "stay" with Employer "for now" and "I would like my key back before I return to the hospital. The unit I was supposed to be on is a busy unit and I do not want to burden other nurses and I do not want other nurses to know what is going on."
12. The Committee did not approve the Respondent's request for employment with Hospital A.

Toxicology Screens

13. On or about October 27, 2021, the Respondent enrolled with First Source Solutions ("FSS") for toxicology screens.
14. Between the period of October 27, 2021, and June 28, 2022, the Respondent had:
 - i. Seventy-five (75) missed daily call -ins.
 - ii. Twelve (12) no-shows on testing dates. The last drug screen was done on **February 2, 2022**.
 - iii. On December 9, 2021, drug screen results were positive for Benzoylcegonine.⁶

⁴ Employer provides home care, assisted living and staffing support services.

⁵ The Respondent's LinkedIn page indicates that since November 2021, she has been employed at Hospital A as a oncology/hospice nurse.

⁶ A cocaine metabolite.

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Support Group Meetings:

15. The Committee received no confirmation of support group meetings attendance.

Committee Meeting/SPP Expulsion:

16. By letter dated May 16, 2022, the Respondent was informed of a scheduled meeting with Committee at the Board's offices on June 2, 2022. The Respondent did not attend the meeting on June 2, 2022.

17. By letter dated June 28, 2022, the Respondent was notified that she was expelled from the SPP due to non-compliance with the provisions of her signed Agreement. The Respondent was further advised that the SPP could "no longer monitor [her] or consider [her] safe in the practice of registered nursing."

18. By letter dated September 13, 2022, the Respondent stated, in part:

On September 8, 2022 – I was notified by [Board Staff] [sic] expulsion from the Safe Practice Program that was documented as taking place on June 14, 2022....

Initially, I was attending an Intensive Outpatient Program ... at the time of my first missed appointment.... This lack of planning and poor-decision making led me to be non-compliant to the Safe Practice Program that I was compliant with from October 2021 through February 2022.

I am currently in a dual diagnosis treatment facility...my admission date of August 16, 2022 and tentative discharge date of October 1 2022....

...My addiction blinded me to the consequences of my actions, and my behavior was unacceptable....

I am writing this letter as an appeal to the Board for reconsideration of my expulsion from the Safe Practice Program....

19. By letter dated October 20, 2022, the Respondent was informed that the Committee reviewed her request for reconsideration of expulsion from SPP and decided to move forward with the expulsion.

SUMMARY

20. In August 2021, the Board received a complaint that alleged the Respondent was observed to be impaired at work and refused to undergo a "for cause" drug screen.

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21. In October 2021, the Respondent signed a SPP Agreement and in June 2022, approximately eight months after signing the Agreement, was expelled from the Program for non-compliance with the conditions of the Agreement. The Respondent's non-compliance with her Agreement includes: (1) failure to submit any quarterly self-reports (2) failure to submit proof of support group attendance (3) failure to call-in to Vault on seventy-five (75) days (4) failure to submit to drug screens on twelve (12) occasions – her last drug screen was in February 2022, almost one year ago (5) failure to remain drug free – her drug screen on December 9, 2021 was positive for a cocaine metabolite (6) failure to obtain Committee approval for employment at Hospital A.
22. The Respondent was expelled from the SPP in June 2022 and the Committee determined that the Program could no longer monitor her practice or consider her safe to practice as an RN.
23. The Respondent holds an active-compact Maryland RN license and the Respondent's continued unmonitored practice as an RN poses a 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 **SAMANTHA ANN**

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BEASLEY to practice as a registered nurse, license number **R140336**, in the State of Maryland, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that if the Respondent's license is suspended following a Show Cause Hearing, the Respondent has the right to an evidentiary hearing before the Board on the merits of the summary suspension and an evidentiary 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 this Order for Summary Suspension**; 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 of the date of this Order, 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 the 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 Registered Nurse License" is a **PUBLIC RECORD** pursuant to Md. Code Ann., General Provisions § 4-101 *et seq.* & § 4-333 (2019 Repl. Vol.).

February 22, 2023
Date

Karen E.B. Evans, MSN, RN-BC
The Executive Director's Signature
Appears on the Original Document
Maryland Board of Nursing