

IN THE MATTER OF
AMADU SHAW
CNA APPLICANT

* BEFORE THE MARYLAND
* BOARD OF NURSING
*

* * * * *

CONSENT ORDER GRANTING APPLICATION FOR CERTIFICATION AS A
CERTIFIED NURSING ASSISTANT/ ORDER OF PROBATION

On or about October 18, 2021, AMADU SHAW (the “Applicant”) submitted an Initial Application for Certified Nursing Assistant Certificate to the Maryland Board of Nursing (the “Board”). On the application, the Applicant disclosed his recent criminal case. Based on the information provided in the criminal court documents submitted by the Applicant, the Board conducted an investigation.

As a result of that investigation, on May 24, 2022, the Board issued “Charges Under the Maryland Nurse Practice Act: Initial Denial of Application for Certified Nursing Assistant Certificate” notifying the Applicant that the Board initially denied his application for certification as a Certified Nursing Assistant based on violations of the Maryland Nurse Practice Act, specifically Md. Code Ann., Health Occupations (“Health Occ.”):

§ 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 deny a certificate or grant a certificate, including a certificate subject to a reprimand, probation, or suspension, to any applicant, . . . if the applicant or certificate holder:

- (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside[.]

On August 9, 2022, the Applicant attended a case resolution conference (“CRC”) with members of the Board in an effort to resolve the initial denial in lieu of an evidentiary hearing. The Assistant Attorney General – Administrative Prosecutor, also attended the CRC on behalf of

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the State. At that CRC, the Applicant and the State agreed to, and the Board hereby accepts, the following Findings of Fact, Conclusions of Law, and Order.

I. FINDINGS OF FACT

The Board finds:

1. On or about October 18, 2021, the Applicant submitted to the Board a Maryland Application for Nursing Assistant Certification (“CNA Application”).
2. On the CNA Application, the Applicant marked “yes” to the discipline question:
 - “Have you ever been convicted of or pled guilty or nolo contendere (this includes a guilty plea for which a PBJ was received): to a misdemeanor?”

Criminal Conviction

3. On or about February 1, 2020, in the County of Denton of the State of Texas, the Applicant was arrested and charged with one count of Assault Causing Bodily Injury Family Violence, a misdemeanor. The probable cause statement stated in part:

On 02/01/2020, at approx. 1641 hrs, I was dispatched to a domestic disturbance . . . Dispatch advised that they had an open line, could hear a male and female screaming, couldn't understand what they were saying, and then the line disconnected.

Upon arrival to the location, I observed a young black female come out of the front door, I could see the look of fear and urgency on her face. I ran up to the front door and was met by a black female, later identified as [Wife]. [Wife] was frantic and hysterical, trying to describe to me what happened. [Wife] reports that she and her husband, later identified as Shaw, Amadu, got into an argument because he thought she had taken his green card from him that he had just received in the mail. [Wife] reports that during the argument, Amadu grabbed the hair on both side[s] of her head with his hands, pulled her head down and headbutted her, striking the top of her head with his forehead. [Wife] parted the hair on top of her head to show me where her head was swollen. There appeared to be an area on the top of her head that was swollen. [Wife] reports that Amadu has assaulted her in the past and pointed out a scar on her forehead, between her eyes. She also stated that he has held a knife to her throat and threatened to kill her . . .

While I was talking to [Wife], Amadu would keep interrupting and telling

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me to ask their daughter what happened and that she will tell me that he didn't do anything . . .

Officer [B] advised me that she was able to speak with [Daughter]. Without Officer [B] asking her, [Daughter] **made an excited utterance about how Amadu has threatened to kill them both, held a knife to [Wife's] neck and she is afraid that he will kill them both sometime[.]**

4. On April 19, 2021, in the Denton County Criminal Court #1, in the State of Texas, Case No. CR-2020-01716-A, the Applicant pled nolo contendere to one (1) count of Assault Causing Bodily Injury Family Violence, a misdemeanor and a crime of moral turpitude. The Applicant was given deferred adjudication and sentenced to fourteen (14) months of probation, 80 hours of community service, and a \$400 fine.

II. DISCUSSION

On April 19, 2021, the Applicant pled nolo contendere to one count of Assault Causing Bodily Injury Family Violence, a misdemeanor, and a crime of moral turpitude. Therefore, the Board finds that the Applicant violated Health Occ. § 8-6A-10(a) (4).

III. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant violated:

Health Occ. § 8-6A-10 (a) *Penalties*. - Subject to the hearing provisions of § 8-317 of this title and § 8-6A-10.1 of this subtitle, the Board may deny a certificate or grant a certificate, including a certificate subject to a reprimand, probation, or suspension, to any applicant, . . . if the applicant or certificate holder:

- (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside[.]

IV. ORDER

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

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ORDERED that the application of the Applicant, **AMADU SHAW**, for certification as a certified nursing assistant in the State of Maryland shall be **GRANTED**; and it is further

ORDERED that the Applicant's certificate to practice as a certified nursing assistant in the State of Maryland shall be placed on **PROBATION FOR A MINIMUM OF ONE (1) YEAR**, beginning on the effective date of this Consent Order, subject to the following terms and conditions:

1. The Applicant's status as a certified nursing assistant will be listed in the Board's computer records and website as being on "**Probation**";
2. The Applicant may seek employment as a CNA but shall obtain Board approval before accepting any new position as a CNA;
3. **Self reports.** The Applicant shall submit to the Board written monthly self-reports describing the Applicant's progress, even if the Applicant is not working in the nursing field. Failure to provide written self-reports on time shall constitute a violation of probation and this Consent Order;
4. The Applicant shall immediately notify all employers of the probationary status of his certificate and arrange for all employers to submit, in writing, confirmation that they have reviewed this Consent Order;
5. **Work site reports.** The Applicant shall arrange for the Applicant's supervisor at the Applicant's place of employment to submit written quarterly work-site reports to the Board evaluating the Applicant's work performance and practice as a CNA. If the Applicant's employment terminates at any of the Applicant's place(s) of employment before the due date of a quarterly report, then a final work-site report is due on the last day of employment. It is the Applicant's responsibility to ensure that work-site reports are

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submitted to the Board and to notify the Applicant's supervisor when these reports are due.

An unsatisfactory report will be considered a violation of probation and this Consent Order;

6. The Applicant shall notify the Board in writing of any CNA position from which the Applicant is terminated by the employer and/or any CNA position from which the Applicant voluntarily resigns within **THREE (3) DAYS** of the date of termination/resignation. The Applicant shall include the reasons for the termination or resignation in the written notification;
7. The Applicant shall not seek employment or be employed in the following work environments: Home Health or Staffing Agency; and it is further

ORDERED that any time during the probationary period, the Board may, in its discretion, order the Applicant to submit to an examination by a healthcare provider designated by the Board. If so ordered, the Board shall pay the cost for the examination. The Applicant shall sign all necessary consent forms required to authorize disclosure of the healthcare provider's written report to the Board. Furthermore, the Applicant consents to the use and disclosure of the healthcare provider's report, as well as any other medical, mental health, or substance use disorder treatment records, in any subsequent Board proceeding, including, but not limited to, any final, public order issued by the Board; and it is further

ORDERED that the Applicant shall have contacted, and scheduled an appointment with, the Board of Nursing's Discipline/Compliance unit **no later than ten (10) days from the effective date of this Consent Order**, for the purpose of beginning compliance with its terms and conditions. Failure to contact the Board as required by this paragraph shall constitute a violation of probation and of this Consent Order; and it is further

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ORDERED that the Applicant may not work outside the State of Maryland without the written permission of the Maryland Board of Nursing and the certifying body in the state where the Applicant wishes to work; and it is further

ORDERED that the Applicant shall disclose a copy of this Consent Order to the nursing board or certifying body of another State where employed and submit to the Board written acknowledgement that they have reviewed the Consent Order; and it is further

ORDERED that in the event that the Board issues to the Applicant any other type of license and/or certificate that the Board is authorized to grant, that license and/or certificate shall also be subject to the terms of this Consent Order; and it is further

ORDERED that the Applicant shall obey all state and federal laws. If the Applicant is convicted of, or pleads guilty to, any crime(s), whether or not any appeal or other proceeding is pending to have the conviction or plea set aside, the Applicant shall notify the Board, in writing, of any conviction(s) or guilty plea(s) within **TEN (10) DAYS** of the conviction or guilty plea. Failure to report a conviction or guilty plea to the Board in writing within **TEN (10) DAYS** is a violation of probation and this Consent Order; and it is further

ORDERED that in the event that the Applicant moves, permanently or temporarily, either within or outside of Maryland, the Applicant shall notify the Board of the new address and phone number within **THREE (3) DAYS** of the move; and it is further

ORDERED that the Applicant shall submit to an in-person, face-to-face annual meeting with Board staff throughout the entire duration of the probationary period if requested to do so; and it is further

ORDERED that the Applicant shall be responsible for paying all costs required to comply with all of the terms and conditions of the probation and this Consent Order; and it is further

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ORDERED that there shall be no early termination of the probation imposed by this Consent Order. After a **minimum of ONE (1) YEAR** from the effective date of this Consent Order has passed, the Board will consider a petition for termination of the Applicant's probationary status, provided that the Applicant has been compliant with all of the probationary terms of this Consent Order and safely employed as a CNA for at least **NINE (9) MONTHS** immediately preceding the petition for termination of probationary status; and it is further

ORDERED that failure to comply with any of the terms and conditions of this Order shall constitute a violation of the Consent Order;

ORDERED that if the Applicant violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing, may impose, by further public Order of the Board, any sanction(s) authorized by Health Occ. § 8-6A-10 and COMAR 10.27.26, including reprimand, additional probation, suspension, revocation, and/or monetary penalty; and be it further

ORDERED that this Consent Order is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

August 24, 2022
Date

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

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CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact, and 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 after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.

Amadu Shaw, CNA Applicant

NOTARIZATION

STATE: Maryland

CITY/COUNTY: Prince George

I HEREBY CERTIFY that on this 20th day of August, 2022, before me, Notary Public of the State and City/County aforesaid, **Amadu Shaw** personally appeared, and made oath in due form of law that signing the foregoing Consent Order of Probation was the voluntary act and deed of **Amadu Shaw**.

AS WITNESSETH my hand and notarial seal.

SEAL

OLABISI OLAWUNMI AKINRIMSI
NOTARY PUBLIC
PRINCE GEORGE'S COUNTY
MARYLAND
My Commission Expires July 18, 2024

Notary Public

My Commission Expires: July 18, 2024