

**IN THE MATTER OF**

\*  
\*  
\*  
\*  
\*  
\*

**BEFORE THE MARYLAND**

**GLADYS THUKU**

**BOARD OF NURSING**

**License Number: R238876**

\* \* \* \* \*

**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 **GLADYS THUKU** (the "Respondent"), to practice as a Registered Nurse, License Number **R238876**, 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 January 25, 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 not present at the Show Cause Hearing. The Administrative Prosecutor - Assistant Attorney General, was present at the Show Cause hearing on behalf of the State.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226 (c)(2) OF THE  
STATE GOVERNMENT ARTICLE  
THUKU, GLADYS: R238876**

**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:<sup>1</sup>

1. On June 24, 2019, 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 January 28, 2024.

**COMPLAINT**

2. On or about January 25, 2022, the Board received a complaint from Medical Group. The complaint alleged that on January 10, 2022, the Respondent “appeared under the influence” and was observed “speaking very fast and very loudly” “continuously laughing when no one else was” “with dilated pupils” “kept repeating herself during conversations” “with inability to sit still for more than 10 minutes.”
3. The complaint further alleged that the Respondent was found asleep in view of patients; was difficult to awaken and after a few attempts the Respondent woke up and “her eyes rolled into the back of her head” and EMS was called; EMS took her vital signs and the Respondent refused to be taken to the ER. The Respondent’s employment was terminated.

**SAFE PRACTICE PROGRAM (“SPP”)**

4. On or about May 11, 2022, the Respondent submitted an application to SPP. In her Application, the Respondent reported that she underwent treatment for alcohol misuse from May 2021 to August 2021.

---

<sup>1</sup>The 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.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226 (c)(2) OF THE  
STATE GOVERNMENT ARTICLE  
THUKU, GLADYS: R238876**

5. On May 12, 2022, the Respondent entered into a Participation Agreement ("Agreement") with the SPP Committee ("Committee") and the Agreement was to remain in effect for minimum of five years.<sup>2</sup> On May 12, 2022, the Respondent signed an Affidavit & Acknowledgment of Safe Practice Agreement, acknowledging that the Respondent reviewed the Agreement and understood the terms.
6. 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 to show [the Respondent's] nursing employer this agreement;
  - b. [The Respondent] may continue employment with [Medical Staffing], **conducting COVID testing only**. [The Respondent] must seek approval before taking any new positions with [Medical Staffing], or other employment;
  - c. If [the Respondent] change positions or seek new employment, [the Respondent] must obtain approval from the Committee prior to accepting the position;
  - d. [The Respondent's] shall arrange for [the Respondent's] **employer and treatment provider**, including all prescribing physicians, to provide **written (quarterly) progress reports** regarding [the Respondent's] compliance and progress towards 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;
  - e. [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;
  - f. [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;
  - g. [The Respondent] shall arrange for and submit to **random monthly toxicology screens**, at any time, of urine, breathe, hair, nail or blood, through any entity selected by the Safe Practice Committee (**currently Vault Health Workforce Screening**). [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, treatment program/treatment provider, or the Committee may request a random toxicology screen at any time. [The Respondent understands] that any screening results/reports from employers and/or treatment providers do not replace or substitute [the Respondent's] required tests for the Board of Nursing. Any positive

<sup>2</sup> An Authorization for Release of Information – Safe Practice Program, signed/dated May 12, 2022 is available in the SPP records.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226 (c)(2) OF THE  
STATE GOVERNMENT ARTICLE  
THUKU, GLADYS: R238876**

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;**

- h. It is [the Respondent's] responsibility to instruct the laboratory and treatment program to send a copy of all toxicology screens to the Committee, and to notify the Committee of a positive or missed toxicology screen or unsatisfactory work/treatment reports. **A missed toxicology screen will be considered a positive toxicology screen;**
- i. [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;**
- j. [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 regarding charges and potential disciplinary action.

**Self-Progress Reports:<sup>3</sup>**

7. The Committee did not receive any progress reports.

**Employer Progress Reports<sup>4</sup>**

8. The Committee did not receive any progress reports.

**Toxicology Screens**

9. By emails dated May 26, 2022 and June 24, 2022, the Respondent was notified by the SPP Monitoring Coordinator that the Respondent had not completed her enrollment with Vault Health.
10. The Respondent did not enroll in Vault Health for monthly toxicology screens.

**Support Group Meetings:**

11. The Committee did not receive any confirmation of support group meeting attendance.

<sup>3</sup> The first self-progress report was due on August 31, 2022, and every three months thereafter.

<sup>4</sup> The first employer progress report was due on August 31, 2022, and every three months thereafter.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226 (c)(2) OF THE  
STATE GOVERNMENT ARTICLE  
THUKU, GLADYS: R238876**

**SPP Expulsion:**

12. By letter dated July 8, 2022, the Respondent was notified that she was expelled from the SPP due to non-compliance with 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.”

**SUMMARY**

13. In January 2022, the Board received a complaint that the Respondent exhibited impaired behavior while at work and that her employment was terminated.
14. In May 2022, the Respondent signed a SPP Agreement and two months later in July 2022, the Respondent 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 enroll with Vault Health for monthly toxicology screens; (2) failure to submit any quarterly self-reports or ensure that her employer submit quarterly reports and (3) failure to submit any proof of support group attendance.
15. The Respondent was expelled from the SPP in July 2022 and the Committee determined that the Program could no longer monitor her practice or consider her safe to practice as an RN.
16. 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.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226 (c)(2) OF THE  
STATE GOVERNMENT ARTICLE  
THUKU, GLADYS: R238876**

**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 **GLADYS THUKU** to practice as a registered nurse, license number **R238876**, 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

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226 (c)(2) OF THE  
STATE GOVERNMENT ARTICLE  
THUKU, GLADYS: R238876**

**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.).

January 25, 2023  
Date



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

Maryland Board of Nursing