

IN THE MATTER OF

* BEFORE THE MARYLAND

IMAFIDON AKHIGBE

* BOARD OF NURSING

Certificate No.: MT0130906

*

* * * * *

CONSENT ORDER OF REPRIMAND OF MEDICATION TECHNICIAN
CERTIFICATE

On or about October 2020, Imafidon Akhigbe (the “Respondent”) submitted an online Maryland Application for Exam of LPN License (“LPN Application”) to the Maryland Board of Nursing (the “Board”). While the Respondent’s LPN application was being processed, the Board received information regarding the LPN School that the Respondent had attended. The Board conducted an investigation, and based on information learned during that investigation, on May 12, 2022, the Board issued a Notice of Agency Action – Charges Under the Maryland Nurse Practice Act (“Charges”) against the Respondent’s Multistate Privilege to Practice (“MSPTP”) (Virginia State-License No. 0002101023) and Medication Technician certificate alleging that the Respondent had violated the Maryland Nurse Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 8-101 *et seq.* (2021 Repl. Vol.). The charges against the Respondent’s Medication Technician certificate specifically included:¹

§ 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 . . . , reprimand any certificate holder, place any certificate holder on probation, or suspend or revoke the certificate of a certificate holder, if the . . . certificate holder:

....

- (20) Has violated any provision of this title or has aided or knowingly permitted any individual to violate any provision of this title; *to wit*,

¹ The specific charges under Health Occ. § 8-316 (a) issued against the Respondent’s Multistate Privilege to Practice Licensed Practical Nursing (Virginia LPN license number 002101023) in the May 12, 2022 *Notice of Agency Action – Charges under the Maryland Nurse Practice Act* are not listed above in this document and were resolved in a separate Board order.

§ 8-316 (a) *In general.* – Subject to the hearing provisions of § 8-317 of this subtitle, the Board may...reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the... licensee:

....

(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;

....

(20) Fails to cooperate with a lawful investigation conducted by the Board;

....

(25) Engages in conduct that violates the professional code of ethics; *to wit,*
Code of Maryland Regulations (“COMAR”) 10.27.19.02

B. A nurse may not, when acting in the capacity or identity of a licensed nurse:

(1) Knowingly participate in or condone dishonesty, fraud, deceit, or misrepresentation;

....

(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 equivalent to the licensed practical

nursing education
programs approved in
this State at the time of
the applicant's
graduation[.]

....

- (26) When holding an expired certificate or a lapsed certificate, commits any act that would be grounds for disciplinary action under this section[.]

On July 12, 2022, the Respondent, along with her attorney, Cory Silkman, Esq., and the Administrative Prosecutor, attended a case resolution conference ("CRC") in an effort to resolve the pending Charges in lieu of an evidentiary hearing. To settle this matter, the Board hereby accepts the following Findings of Fact, Conclusions of Law, and Order.

I. FINDINGS OF FACT

The Board finds that:

1. On or about April 10, 2019, the Respondent was issued a certificate to practice as a medication technician ("MT") in the State of Maryland, certificate number MT0130906. The Respondent's MT certificate is currently "non-renewed" and expired on July 28, 2021.
2. On or about April 15, 2021, the Virginia Board of Nursing issued the Respondent a license to practice as a licensed practical nurse ("LPN") in the Commonwealth of Virginia, license number 0002101023. The Respondent's Virginia LPN license is currently suspended.²

2020 INITIAL APPLICATION FOR LPN LICENSURE BY EXAM

3. On or about October 30, 2020, the Respondent submitted to the Board an online Maryland Application for Exam of LPN License ("LPN Application").

² On June 13, 2022, the Virginia Department of Health Professions ("Virginia Board") issue an Order of Mandatory Suspension suspending the Respondent's Virginia LPN license to practice in Virginia based upon the Maryland Board's May 12, 2022 "Order for Summary Suspension of Multistate Licensure Privilege to Practice Licensed Practical Nursing." See "Order of Mandatory Suspension," Before the Virginia Department of Health Professions, In Re: Imafidon Akhigbe, LPN, License Number: 002-101023, Case Number 220612, signed June 10, 2022.

4. On her LPN Application, the Respondent indicated that the Basic Education Program she graduated from on June 28, 2013 was an LPN program in Virginia (the "LPN School").
5. Furthermore, in her LPN Application, the Respondent affirmed "that the contents of [the LPN Application] are accurate to the best of [her] knowledge" and that "providing false or misleading information may result in disciplinary action by the Board, and may result in denial of licensure."
6. While the Respondent's LPN application was being processed, the Board received information regarding the LPN School that the Respondent had attended. The Board initiated an investigation.

LPN SCHOOL

7. On or about July 21, 2010, the Virginia Board of Nursing ("Virginia Board") entered into a Consent Order ("July 21, 2010 Consent Order") with the LPN School and its Program Director placing the LPN School on Conditional Provisional Approval for not less than one (1) year subject to certain terms and conditions.³
8. On May 15, 2012, the Virginia Board approved a Consent Order ("May 15, 2012 Consent Order"),⁴ signed by the Program Director. The May 15, 2012 Consent Order ordered that:
 - a. The [LPN School's] approval to operate a practical nursing education program in Virginia is WITHDRAWN. The [LPN School] shall cease operations no later than June 30, 2013, when all students shall either have graduated or transferred to an approved program.
 - b. The [LPN School] shall not admit any new or transfer students.

³ Under the Findings of Fact in the July 21, 2010 Consent Order, the LPN School admitted that they had submitted final transcripts to the Virginia Board for six (6) students indicating that the six (6) students had completed all clinical courses prior to graduation, when they had not. The students had not completed clinical experiences in obstetrics, pediatrics, and mental health prior to graduation.

⁴ Under the Findings of Fact in the May 15, 2012 Consent Order, the Virginia Board found that there were numerous deficiencies of the LPN School's operations related to the organizational plan, student files, curriculum, clinical experience, the licensure and competence of faculty members, and the LPN School's pass rate.

LPN SCHOOL TRANSCRIPT

9. On August 25, 2021, the Board issued a Subpoena Duces Tecum (“Subpoena”) to the Respondent commanding her to produce and provide to the Board copies of transcripts from all schools attended for any LPN program, transcripts from all schools attended for any RN program, clinical rotations documentation from all schools attended for any LPN program, clinical rotations documentation from all schools attended for any RN program, and proof of school attendance.

10. The Board received an Official Transcript (“Transcript”) signed by the Program Director⁵ and dated October 30, 2020 which listed the school as the LPN School and provided the following information:

| <u>FIRST QUARTER</u> From: 04/16/2012 To: 06/15/2012 | | <u>THIRD QUARTER</u> From: 10/15/2012 To 02/08/2013 | |
|--|----------------------|--|----------------------|
| <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> From: 06/18/2012 To: 10/12/2012 | | <u>FOURTH QUARTER</u> From: 02/11/2013 To: 06/18/2013 | |
| <u>Course Description</u> | <u>Contact Hours</u> | <u>Course Description</u> | <u>Contact Hours</u> |

⁵ On or about July 8, 2021, in the U.S. District Court of Maryland, Program 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, Program 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.

AKHIGBE, Imafidon Certificate No.: MT0130906
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| | | | |
|-------------------------------|-----|--|-----|
| Diet and Nutrition | 60 | Pediatric Nursing | 90 |
| Pharmacology | 120 | Pediatric Nursing Clinical | 40 |
| 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 |
|--------------------------|--------------------------|---------------------|-------------------|-------------|
| Nursing Fundamentals | Facility 1 | 10/08/12 | 10/12/12 | 40 |
| Medical-Surgical Nursing | Facility 1 Facility 2 | 11/12/12 | 12/14/12 | 200 |
| Geriatric Nursing | Facility 3 | 12/17/12 | 12/21/12 | 40 |
| Maternity Nursing | Facility 4 | 04/08/13 | 08/24/13 | 40 |
| Pediatric Nursing | Facility 4 | 05/06/13 | 05/10/13 | 40 |
| Mental Health Nursing | Facility 5 | 05/27/13 | 05/30/13 | 40 |

THE BOARD'S INVESTIGATION

11. Board Staff and Board Investigator 1 contacted the five clinical rotation sites cited in the Transcript and learned the following:

- a. By letter dated September 8, 2021, the Administrator of Facility 1 notified the Board that they were unable to locate any school agreement with the LPN School for clinical rotations.
- b. On or about August 5, 2021, General Counsel for Facility 2 and Facility 3⁶ notified the Board that they did not find any contracts with the LPN School that would have allowed the Respondent to have completed clinical rotations at those sites and stated that the facilities would not have hosted clinicals for surgical nursing.

⁶ Facility 2 and Facility 3 are owned by the same parent company.

- c. On or about August 6, 2021, the Executive Director for Facility 4 notified the Board that Facility 4 does not offer obstetrics, gynecological, or pediatric care at its facility and that Facility 4 was a program for troubled teen parents which provided transitional housing, parenting classes, and food programs. The Executive Director stated that there are no nursing staff at Facility 4 and the facility does not provide any medical services.
 - d. The Assistant Executive Director and Executive Director of Facility 5 notified Board Staff on August 5 and August 6, 2021 (respectively) that Facility 5 has never been affiliated with any nursing schools for clinical training and has never had any contracts with any schools for students to do clinical rotations.
12. By letter dated August 25, 2021, the Board notified the Respondent at her address of record with the Board that the clinical sites listed on the Respondent's official transcript from the LPN School "had no affiliation with the nursing program." The Board included a Subpoena Duces Tecum ("Subpoena") to the Respondent commanding her to appear at the Board on September 8, 2021 for an interview. The Subpoena was delivered to the Respondent's address of record on September 7, 2021 at 5:14 p.m. The Respondent failed to appear at the Board or contact the Board in response to the Subpoena.

II. DISCUSSION

The Respondent submitted a Maryland LPN application to the Board with fraudulent information about her LPN school, including fraudulent dates of attendance. The Respondent's transcript from the LPN school contained fraudulent information about clinical training sites and dates of clinical and didactic coursework. The five clinical training sites listed on the Respondent's LPN School transcript did not have agreements with the LPN school and the Respondent did not attend clinical training at the sites. The Respondent did not meet the Board's statutory and regulatory requirements to obtain an LPN license by exam in Maryland. At relevant times when these events occurred, the Respondent's MT certificate was non-renewed. Therefore, the Board finds that the Respondent violated Health Occ. § 8-6A-10 (a) (20) with underlying charges of § .

8-316 (a) (1), (25); to wit, COMAR 10.27.19.02.B(1); and/or (30), to wit, COMAR 10.27.01.05.B(1)(b); and, § 8-6A-10 (a) (26). In its discretion, the Board dismisses the underlying charge of Health Occ. § 8-316 (a) (20).

The Board concludes that the Respondent's violations of the Act fall within L (3) of the Board's sanctioning guidelines. See COMAR 10.27.26.07.L (3). The range of potential sanctions under category L (3) is probation for 1 year to revocation and the range of potential monetary penalties is \$300 to \$500.

III. CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that Respondent violated:

§ 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 . . . , reprimand any certificate holder, place any certificate holder on probation, or suspend or revoke the certificate of a certificate holder, if the . . . certificate holder:

(20) Has violated any provision of this title or has aided or knowingly permitted any individual to violate any provision of this title; *to wit*,

§ 8-316 (a) 316 (a) *In general*. - Subject to the hearing provisions of § 8-317 of this subtitle, the Board may...reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the... licensee:

(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;

....

(25) Engages in conduct that violates the professional code of ethics; *to wit*,

Code of Maryland Regulations ("COMAR")
10.27.19.02

B. A nurse may not, when acting in the capacity or identity of a licensed nurse:

(1) Knowingly participate in or condone dishonesty, fraud, deceit, or misrepresentation;

....

(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 equivalent to the licensed practical nursing education programs approved in this State at the time of the applicant's graduation[.]

(26) When holding an expired certificate or a lapsed certificate, commits any act that would be grounds for disciplinary action under this section[.]

IV. ORDER

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

ORDERED that the violation of with underlying charge of § 8-316 (a) (20) alleged in “Charges under the Maryland Nurse Practice Act” issued on May 12, 2022 is hereby **DIMISSED**; and be it further

ORDERED that **IMAFIDON AKHIGBE’S** certificate to practice as a **MEDICATION TECHNICIAN** in the State of Maryland, (Certificate Number MT0130906) is hereby **REPRIMANDED**; and it is further

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ORDERED that this Consent Order is a **PUBLIC RECORD** pursuant to Md. Code Ann.,
Gen. Prov. §§ 4-333 *et seq.* (2019).

August 24, 2022
Date

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

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.



Imafidon Akhigbe

NOTARIZATION

STATE: Ohio

COUNTY: Cuyahoga

I HEREBY CERTIFY that on this 26 day of July, 2022 before me, Notary Public of the State and City/County aforesaid, IMAFIDON AKHIGBE, personally appeared, and made oath in due form of law that signing the foregoing Consent Order was the voluntary act and deed of IMAFIDON AKHIGBE.

AS WITNESSETH my hand and notarial seal.

SEAL

My Commission Expires: 6/17/2026



Notary Public

