

IN THE MATTER OF

*

BEFORE THE MARYLAND

*

NEIL WENTZ

*

BOARD OF NURSING

*

License No. LP56000

*

OAG Case No. 23-BP-004

*

* * * * *

ORDER FOR SUMMARY SUSPENSION
OF LICENSED PRACTICAL 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 Licensed Practical Nurse license, license number **LP56000**, of **NEIL WENTZ** (the “Respondent”), in the State of Maryland. The Board takes this action pursuant to the authority of Maryland Code Ann., State Government Article (“SG”) § 10-226 (c) (2) (2021 Repl. Vol.), which provides:

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.

The Board has reason, as set forth below, to find that the public health, safety, or welfare imperatively requires emergency action under SG § 10-226 (c) (2).

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
WENTZ, NEIL LP56000**

**INVESTIGATIVE FINDINGS AND REASONS IN SUPPORT
OF SUMMARY SUSPENSION**

Based on investigatory information obtained by, received by, made known to and available to the Board, the Board has reason to believe that the following facts are true:¹

1. On November 29, 2021, the Respondent was issued a Licensed Practical Nurse (LPN) license, license LP56000, in the State of Maryland. The Respondent's LPN license has a "single state" status and is due to expire on May 28, 2023.
2. On or about July 7, 2022, the Maryland Board was notified that the Commonwealth of Pennsylvania Bureau of Professional and Occupational Affairs ("PA Board") had disciplined the Respondent's Pennsylvania LPN license.

**DISCIPLINE BY THE COMMONWEALTH OF PENNSYLVANIA
BOARD OF NURSING**

3. On or about September 25, 1998, the PA Board issued the Respondent license number PN258494L to practice practical nursing. The Respondent's Pennsylvania LPN license is indefinitely suspended.
4. On or about April 26, 2022, the PA Board issued a Memorandum Order, finding the Respondent in default for failing to undergo a mental and physical examination and notifying the Respondent that his license would be indefinitely suspended if he failed to file an Answer or request a hearing within twenty (20) days from the date of the Order.
5. Effective May 16, 2022, the Respondent's license to practice practical nursing was indefinitely suspended by the Board's April 26, 2022, Memorandum Order.

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.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
WENTZ, NEIL LP56000**

6. On or about November 8, 2022, the PA Board issued a Final Adjudication and Order indefinitely suspending the Respondent's license to practice as a practical nurse License No. PN258494L, retroactive to May 16, 2022, until such time as the Respondent can prove to the Board that he is fit to safely practice practical nursing with reasonable skill and safety to patients.
7. The Final Adjudication and Order includes the following:

Background

....

According to an Affidavit of Probable Cause, on July 9, 2021, at 2:24 am a West Manchester Township Police observed a vehicle driving erratically which almost resulted in an accident. Police approached the driver, who was identified as Respondent, and noted an odor of alcoholic beverages on his breath. Respondent admitted to drinking three beers prior to driving and submitted to a portable breath test (PBT) which was positive for alcohol. Respondent also submitted to a blood draw with a Blood Alcohol Content (BAC) result of .204 %.

Findings of Fact

1. At all times relevant, Respondent held a license issued by the Board to practice as a practical nurse in the Commonwealth of Pennsylvania, license no. PN258494L. (Board Records, Paragraph 1, Petition)
2. Respondent's license was issued on September 25, 1998, expired June 30, 2022, but was suspended as of May 16, 2022, by the Board's April 26, 2022, Memorandum Order (Board Records, Paragraph 2, Petition; Memorandum Order)
3. Respondent's address on file with the Board is: 319 Landola Ave., Mount Wolf, PA17347. (Board Records, Paragraph 3, Petition)
4. On November 12, 2021, a criminal information was filed in the Court of Common Pleas of York County at Criminal Docket No. CP-67-CR-0005012-2021, charging the Respondent with the following:
 - a. One Count of violating 75 Pa.C.S. §3802(a)(1) Driving Under the Influence: General Impairment, First Offense, an ungraded misdemeanor, and
 - b. One Count of violating 75 Pa.C.S. §3802(c), Driving Under the Influence: Highest Rate of Alcohol, First Offense, an ungraded misdemeanor.

(Paragraph 5, Petition; Exhibit A, Petition)

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
WENTZ, NEIL LP56000**

5. According to the Affidavit of Probable Cause, on July 9, 2021, at 2:24 a.m.:
 - a. West Manchester Police observed a vehicle driving erratically which almost resulted in an accident.
 - b. Police approached the driver, who identified as the Respondent, and noted an odor of alcoholic beverages on his breath.
 - c. The Respondent admitted to drinking three (3) beers prior to driving and submitted to a portable breath test (PBT) which was positive for alcohol.
 - d. The Respondent also submitted to a blood draw with a blood alcohol content (BAC) result of .204%.

(Paragraph 7, Petition; Exhibit A, Petition)

6. Respondent was offered participation in the Professional Health Monitoring Program's (PHMP) Voluntary Recovery Program (VRP); however, the Respondent failed to contact the office and the file was closed as "refused." (Paragraph 9, Petition)
7. On December 17, 2021, the Commonwealth submitted a Petition to the Committee alleging that probable cause exists that the Respondent is unsafe to practice practical nursing and requesting that the Respondent be ordered to submit to a mental and physical examination. (Paragraph 1, Motion; Paragraph 1, Memorandum Order)
8. On December 17, 2021, the Commonwealth issued a Notice and Order compelling the Respondent to submit to a mental and physical examination by [Doctor] on January 28, 2022, at 9:30 a.m. (Paragraphs 1-2, Motion; Paragraph 2, Memorandum Order)
9. The Commonwealth mailed the Petition, Order and Notice via USPS certified mail, return receipt requested, and first-class mail, postage prepaid, to Respondent's address on file with the Board: [address]. (Paragraph 4, Motion; Paragraph 3, Memorandum Order; Certificate of Service, Petition)
10. The certified mailing of the Petition, Order and Notice was returned to the Commonwealth marked as "unclaimed." (Paragraph 4, Memorandum Order; Paragraph 5, Motion; Exhibit B, Motion)
11. The first-class mailing of the Petition, Order and Notice mailed to the Respondent's address on file with the Board was not returned to the Commonwealth and is, therefore, presumed to have been delivered to and received by the Respondent. (Paragraph 5, Memorandum Order; Paragraph 7, Motion)
12. Respondent failed to appear and submit to mental and physical examination by [Doctor] on January 28, 2022. (Paragraphs 6-7, Memorandum Order; Paragraphs 8-10, Motion; Exhibit C, Motion)

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
WENTZ, NEIL LP56000**

13. The Commonwealth incurred \$385.00 in costs of investigation this matter. (Paragraph 8, Memorandum Order; Paragraph 11, Motion)
14. On April 5, 2022, the Commonwealth filed its Motion and on April 6, mailed it to the Respondent's address on file with the Board. (Docket Entries, Case No. 21-51-017298; Certificate of Service, Motion)
15. Respondent did not respond to the Commonwealth's motion. (Docket Entries, Case No. 21-51-017298)
16. On April 26, 2022, the Board issued a Memorandum Order finding the Respondent in default for failing to undergo the mental and physical examination and notifying the Respondent that his license would be indefinitely suspended if he failed to file an Answer or request a hearing within twenty (20) days from the date of the order. (Docket Entries, Case No. 21-51-017298, Motion)
17. On April 26, 2021, the Memorandum Order was mailed by first-class mail, postage prepaid and by certified mail, return receipt requested, to the Respondent's address on file with the Board. (Docket Entries, Case No. 21-51-017298, Memorandum Order)
18. On May 16, 2022, the certified mailing of the Memorandum Order was returned to the Board marked as "unable to forward." (Docket Entries, Case No. 21-51-017298, Proof of Service)
19. On May 17, 2022, the Board ran a CLEAR report and on May 20, 2022, mailed the Memorandum Order via USPS by first-class mail, postage prepaid and by certified mail, return receipt requested, Article No. 9171 9690 0935 0006 54 to [address]. (Docket Entries, Case No. 21-51-017298; Resent mail)
20. On June 1, 2022, the certified mailing of the Memorandum Order sent to [address] was delivered by being forwarded to [address]. (Proof of Service; Docket Entries, Case No. 21-51-017298)
21. The first-class mailing of the Memorandum Order mailed to [address] was not returned to the Board, and is, therefore, presumed to have been delivered to and received by Respondent. (Docket Entries, Case No. 21-51-017298)
22. The Respondent did not file an Answer or request a hearing, or otherwise respond to the Motion or the Memorandum Order. (Docket Entries, Case No. 21-51-017298)

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
WENTZ, NEIL LP56000**

SUMMARY

8. On or about December 17, 2021, the PA Board notified the Respondent that a probable cause determination was made that the Respondent is addicted to alcohol or hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination or has become mentally incompetent and ordered him to submit to a mental and physical examination.
9. On or about April 26, 2022, the PA Board issued an Order finding the Respondent in default for failing to submit to the lawful Board Order and notifying the Respondent that if he did not file an Answer or request a hearing, or otherwise respond to the Motion or Memorandum Order, his LPN license number PN258494L would be indefinitely suspended.
10. The Respondent failed to comply with the lawful Board Order and offered no explanation for his failure to do so. Accordingly, the Respondent's Licensed Practical Nurse license, license PN25849L, was indefinitely suspended on May 16, 2022.
11. On or about November 8, 2022, the PA Board issued a Final Adjudication and Order indefinitely suspending the Respondent's license to practice as a practical nurse License No. PN258494L, retroactive to May 16, 2022, until such time as the Respondent can prove to the Board that he is fit to safely practice practical nursing with reasonable skill and safety to patients.
12. The PA Board's finding of probable cause that Respondent is addicted to alcohol or hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination or has become mentally incompetent and the Respondent's failure to comply with the PA Board's Order requiring him to submit to a mental and physical examination

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
WENTZ, NEIL LP56000**

makes his practice as a practical nurse a danger to all patients under his care. The Respondent currently holds an LPN license which allows him to practice in the State of Maryland. Therefore, the Respondent's continued unmonitored practice poses a serious risk and 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 Licensed Practical Nurse license, license number **LP56000**, of **NEIL WENTZ**, in the State of Maryland are hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that there will be a Show Cause Hearing on **February 22, 2023, at 11:00 AM** before the Board at the Maryland Board of Nursing offices, 4140 Patterson Avenue, Baltimore, Maryland 21215; and be it further

ORDERED that if, the suspension of the Respondent's LPN license is continued following a Show Cause Hearing, the Respondent has the right to a full evidentiary hearing before the Board and a 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 the Board's written decision issued after the Show Cause Hearing**; 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 from the date of the Board's written decision issued after the Show Cause Hearing, the Respondent shall have waived all rights now and in the future to any

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
WENTZ, NEIL LP56000**

hearing on the merits of the summary suspension of the Respondent’s LPN license and the factual allegations contained in this 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 LPN license shall continue until further Order of the Board; and it is further

ORDERED that this, “Order for Summary Suspension of Licensed Practical Nurse License” is a **PUBLIC RECORD** pursuant to Md. Code Ann., General Provisions § 4-101 *et seq.* & § 4-333 (2019 Repl. Vol.).

February 6, 2023
Date

Karen E.B. Evans, MSN, RN-BC
The Executive Director’s Signature
Appears on the Original Document

Maryland Board of Nursing