

<p><b>IN THE MATTER OF</b></p> <p><b>STEPHEN COETZEE, LNHA</b></p> <p><b>RESPONDENT</b></p> <p><b>License Number: R1851</b></p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p><b>BEFORE THE MARYLAND</b></p> <p><b>STATE BOARD OF LONG-TERM</b></p> <p><b>CARE ADMINISTRATORS</b></p> <p><b>Case Number: 2023-001</b></p>
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**CONSENT ORDER**

On December 15, 2023, the Maryland State Board of Long-Term Care Administrators (the “Board”) charged Stephen Coetzee, LNHA (the “Respondent”), License Number R1851, with violating the Maryland Nursing Home Administrators Licensing Act and the Maryland Long-Term Care Administrators Act (together the “Act”),<sup>1</sup> codified at Md. Code Ann., Health Occ. §§ 9-101 *et seq.* (2021 Repl. Vol. and 2022 Supp. and 2023 Supp.), and corresponding regulations, COMAR 10.33.01 *et seq.*

Specifically, the Board charged the Respondent with violating the following statutes and regulations:

**§ 9-314. Investigations; discipline generally.**

- (b) Subject to the hearing provisions of § 9-315 of this subtitle, the Board may deny a license or limited license to any applicant, reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, suspend or revoke a license or limited license, or impose a civil fine if the applicant, holder, or licensee:
  - (1) Fraudulently or deceptively obtains or attempts to obtain a license for the licensee or for another;

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<sup>1</sup> On October 1, 2022, the name of the Board changed from the State Board of Examiners of Nursing Home Administrators to the State Board of Long-Term Care Administrators, and the name of the title of Health Occ. §§ 9-101 – 9-501 changed from the Maryland Nursing Home Administrators Licensing Act to the Maryland Long-Term Administrators Act.

- (2) Fraudulently or deceptively uses a license;
- (3) Otherwise fails to meet substantially the standards of practice adopted by the Board under § 9-205 of this title;
- .....
- (7) Practices nursing home administration with an unauthorized person or supervises or aids an unauthorized person in the practice of nursing home administration;
- (8) Willfully makes or files a false report or record in the practice of nursing home administration;
- .....
- (11) Commits an act of unprofessional conduct in the licensee's practice as a nursing home administrator[.]

**§ 9-205. Additional powers and duties of Board.**

**Rules and regulations, federal requirements.**

- (a) In addition to the powers set forth elsewhere in this title, the Board may:
  - (1) Adopt rules and regulations to carry out the provisions of this title[.]

**10.33.01.15. Code of Maryland Regulations - Suspension and Revocation of Licenses.**

A. Pursuant to Health Occupations Article, §9-314(b)(3), Annotated Code of Maryland, the Board may deny a license or limited license to any applicant, suspend or revoke a license of a nursing home administrator, or reprimand or otherwise discipline an applicant or a licensee after due notice and an opportunity to be heard at a formal hearing, upon evidence that the applicant or licensee:

- (1) Has violated any of the provisions of the law pertaining to the licensing of nursing home administrators or the regulations of the Board pertaining to it;
- .....

- (4) Has practiced fraud, deceit, or misrepresentation in the licensee's capacity as a nursing home administrator;

....

(13) Has violated the terms of the AIT contract[.]

**§ 9-401. License required to practice as nursing home administrator or assisted living manager.**

**In general.**

- (a) Except as otherwise provided in this title, an individual may not: ...
- (2) Supervise, direct, induce, or aid an unlicensed individual to practice as a nursing home administrator[.]

**Penalties.**

- (b)(1) This subsection may not be construed to prohibit the Board from taking any other action authorized under this title against a licensee, an applicant, or another individual.
- (2)(i) Subject to paragraph (3) of this subsection, the Board may impose a civil penalty not exceeding \$10,000 for a violation of this section.
- (ii) The Board shall pay any fine collected under this paragraph into the General Fund of the State.

**10.33.01.13. Code of Maryland Regulations - Administer-in-Training.**

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K. If a preceptor is found by the Board to have failed to provide adequate training, the Board may cancel the preceptor's authorization to serve as a preceptor for a period of time prescribed by the Board. If an AIT fails to live up to the terms of the contract, the Board may cancel the contract.

On February 14, 2024, a Case Resolution Conference (“CRC”) was convened in this matter. Based on the negotiations occurring as a result of this CRC, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

## **FINDINGS OF FACT**

The Board makes the following findings of fact:

1. At all relevant times, the Respondent was licensed to practice nursing home administration in the State of Maryland. The Respondent initially was licensed to practice as a nursing home administrator in Maryland on December 16, 2011, under License Number R1851. The Respondent's license is currently active.

2. On or about March 29, 2022, the Respondent and an aspiring Administrator-In-Training ("AIT") signed the Maryland Board of Examiners of Nursing Home Administrators Preceptor/Administrator-in-Training Agreement ("AIT Contract"), a 52-week internship program required to become a licensed nursing home administrator.<sup>2</sup> The AIT Contract stated that the AIT would be trained at a long-term care facility ("Facility A") in Washington County, Maryland, where the Respondent was the Chief Executive Officer and Administrator of Record. The Respondent was a certified preceptor at the time the AIT Contract was signed.

3. On May 4, 2022, the AIT started her training at Facility A.

4. On July 28, 2022, Facility A agreed to purchase a long-term care facility ("Facility B") located in Washington County, Maryland ("Facility B"). The purchase was

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<sup>2</sup> Among other requirements, an individual must complete an administrator-in-training program approved by the Board to become a licensed nursing home administrator. Health Occ. § 9-302. COMAR 10.33.01.13 details the requirements of an administrator-in-training program. An administrator-in-training is a supervised 12-month full-time or 18-month part-time internship during which the AIT works under the guidance and supervision of a preceptor, a licensed administrator meeting certain qualifications. The preceptor shall devote a minimum of 16 hours per week of direct, on-site supervision for each AIT.

completed on November 1, 2022. From July 28, 2022, until the purchase was complete, Facility A managed Facility B under a Transition Services Agreement.

5. From July 1, 2022, until October 7, 2022, the Director of Nursing at Facility B was the Interim Administrator of Facility B.

6. Despite listing Facility A as the location for AIT's training with the address of Facility A specified in the AIT Contract, on August 11, 2022, the Respondent transferred the AIT to Facility B to work on a full-time basis. Facility B is located at a different address from the one listed in the AIT Contract. In an email to the Executive Team at Facility A and Facility B, the Respondent wrote "All – I want to loop in (AIT) on all (Facility B) communications going forward. She is going to be onsite at the building daily and while we are all popping in and out she will be our onsite rep every day."

7. On or before October 7, 2022, the Respondent appointed himself the Administrator of Record of Facility B when the Interim Administrator left the position. Thereafter, despite being the Administrator of Record for Facility B, the Respondent did not have an office at Facility B and physically worked at Facility A while the AIT worked and had an office at Facility B. During the AIT training program, the Respondent was onsite at Facility B two-to-three days a week for a portion of the afternoon.

8. The Board opened an investigation after receiving a complaint that the AIT worked as the nursing home administrator at Facility B and that the Respondent was onsite at Facility B for only approximately 10 hours per week. As part of the investigation, the Board interviewed the Respondent, the AIT, employees of Facility A and Facility B, and obtained emails and documents concerning the AIT's training program.

9. Under the AIT Contract, the Respondent and AIT are required to submit signed Preceptor/AIT Reports to the Board quarterly documenting areas of training.<sup>3</sup> Despite the AIT working full-time at Facility B, the Respondent and the AIT submitted signed Preceptor/AIT Reports to the Board listing Facility A as the location of the AIT's internship rotations. Preceptor/AIT Reports submitted to the Board document AIT training at Facility B and are signed by employees of Facility B.

10. The Respondent also represented in the signed Preceptor/AIT Reports submitted to the Board that he was providing 20 hours a week of direct on-site supervision to the AIT at Facility A. However, the Respondent admitted, "I cannot say honestly that I have attended each and every scheduled calendar appointment including my planned onsite time at [Facility B]. Due to the nature of my responsibilities for the overall organization, I may not physically be able to be onsite at [Facility B], but I am able to complete a lot of [Facility B] operational oversight remotely including virtual meeting capabilities, as I am only 15 minutes away from [Facility B]."

11. Furthermore, the Respondent and the AIT submitted signed Preceptor/AIT Reports to the Board that were not true. An employee of Facility B stated she trained the AIT for 15-30 minutes in total on how to use a gait belt. However, the Preceptor/AIT

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<sup>3</sup> COMAR 10.33.01.13 G. Required AIT Reports. (1) The AIT and preceptor shall maintain a progress report for the training program on forms prescribed by the Board for every 3 months of the training program. (2) The report shall: (a) Be submitted to the Board's office on the dates specified by the Board; and (b) Include the following: (i) A brief description of activity or area covered, or both, and dates of rotation; (ii) A brief analysis of any problems observed, new experiences, insights gained, and the AIT's role in problem solutions; and (iii) A checklist including signatures from preceptor, AIT, and department managers to verify that the AIT trained in those departments.

Report documented training dates from January 16, 2023, to January 27, 2023, which the employee described as inaccurate.

12. A Human Resources Director for a Hospital stated she met with the AIT one day for 45 minutes as part of her AIT rotations. However, the Preceptor/AIT Report signed by the AIT and Respondent documented a full day of training. The Human Resources Director stated the Preceptor/AIT Report listed training in areas that were not discussed. The Human Resources Director stated the AIT asked her to sign the Preceptor/AIT Report and the AIT would later complete the form.

13. In addition, the AIT acted as, and was represented to be, the Administrator of Record at Facility B despite not being a licensed nursing home administrator.<sup>4</sup> Visitors to Facility B who requested to meet with the Administrator would be directed to the AIT. A phone directory at Facility B listed the AIT as the Administrator of Facility B. The AIT facilitated weekly department meetings at Facility B and interacted with third-party vendors.<sup>5</sup>

### **CONCLUSIONS OF LAW**

Based on the Findings of Fact, the Board concludes as a matter of law that the Respondent violated: Health Occ. § §9-314(b)(1), (2), (3), (7), (8), (11); COMAR

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<sup>4</sup> An AIT may not, during the normal working hours of the program, fill a specific, specialized position in the nursing facility. COMAR 10.33.01.13 B.

<sup>5</sup> A minimum of 80 percent of the training shall occur during 8 consecutive hours for full-time programs or 6 consecutive hours for part-time programs each day (except for regular days off) between the hours of 7 a.m. and 7 p.m. A minimum of 40 hours per week for full-time or 30 hours per week for part-time shall be devoted to continuous, bona fide training activities which include observing and performing the day-to-day duties of each position, when legally permissible, in the service areas referred to in §A of this regulation. The trainee shall be exposed to all shifts during the AIT program. COMAR 10.33.01.13 F.

10.33.01.15A (1), (4), (13); Health Occ. §9-401(a)(2); COMAR 10.33.01.13K. The grounds for violation of COMAR 10.33.01.15A(1) are set forth in COMAR 10.33.01.13.

### **ORDER**

Based on the above Findings of Fact and Conclusions of Law, it is, by the Board, hereby:

**ORDERED** that the Respondent Stephen Coetzee, LNHA, is **REPRIMANDED**; and it is further

**ORDERED** that the Respondent's authorization to be a preceptor for an Administrator-In-Training in Maryland is **CANCELLED**, and the Respondent shall not apply to be re-certified as a preceptor until after **THREE YEARS**; and it is further

**ORDERED** that the Respondent is placed on **PROBATION** for a minimum period of **ONE YEAR**. During the probationary period, the Respondent shall comply with the following probationary terms and conditions:

1. Within **60 DAYS**, the Respondent shall pay a civil fine of **\$5,000**. The payment shall be made by bank certified check or money order made payable to BLTCA, and mailed to 4201 Patterson Avenue, Room 305, Baltimore, Maryland 21215; and

2. Within **SIX MONTHS**, the Respondent shall enroll in and successfully complete a Board-approved course in **ethics**. The following terms and conditions apply:

- (a) It is the Respondent's responsibility to locate, enroll in and obtain the Board's approval of the course before the course begins;



- (b) The Respondent shall provide the Board with the appropriate course information for the course he intends to take, which will be presented to the Board;
- (c) After completion of the approved course, the Respondent must provide documentation to the Board that the Respondent has successfully completed the course;
- (d) The course shall not be used to fulfill the continuing educational credits required for course renewal;
- (e) The Respondent is responsible for the cost of the course; and
- (f) The Respondent shall provide the Board with document that he successfully completed the course no later than six months after the Consent Order goes into effect.

3. The Respondent shall not petition the Board for early termination of probation or any of the terms and conditions of this Consent Order; and it is further

**ORDERED** that a violation of probation constitutes a violation of the Consent Order; and it is further

**ORDERED** that, no earlier than **ONE YEAR** from the date the Consent Order goes into effect, and only if the Respondent has satisfactorily complied with all of the terms and conditions of probation and the Consent Order, the Respondent may submit to the Board a written petition requesting that the probation be terminated. The probation will be terminated if the Respondent has complied with all probationary terms and conditions; and it is further

**ORDERED** that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an

opportunity for a hearing. After the hearing, if the Board determines that the Respondent has failed to comply with any term or condition imposed by the Consent Order, the Board may reprimand the Respondent, place the Respondent on further probation with appropriate terms and conditions, or impose a suspension of the Respondent's nursing home administration license with appropriate terms and conditions, or revoke the Respondent's license to practice nursing home administration in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent in an amount authorized under either Health Occ. § 9-314.1 or § 9-401, whichever is applicable; and it is further


**ORDERED** that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that, if the Respondent's license expires or becomes inactive during the period of probation, the probation and any conditions will be tolled; and it is further

**ORDERED** that the Consent Order goes into effect upon the signature of the Board's Executive Director, who is designated to sign on behalf of the Board; and it is further

**ORDERED** that the Consent Order is a **PUBLIC DOCUMENT**.

3/13/2024  
Date

  
Linda Burrell-Warr, Executive Director  
Maryland State Board of Long-Term Care  
Administrators

**CONSENT**

I, Stephen Coetzee, LNHA, acknowledge that I have consulted with counsel before signing this Consent Order.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the Board will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 9-315, and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into, and agree to comply with, the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. Further, I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand its language and the meaning of its terms and conditions.

2/29/2024  
Date

  
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Stephen Coetzee, LNHA

NOTARY

STATE OF Maryland

CITY/COUNTY OF Washington

I HEREBY CERTIFY that, on this 29<sup>th</sup> day of February, 2024, before me, a Notary Public of the foregoing State and City/County, did personally appear Stephen Coetzee and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSTH my hand and seal.

Deborah Ann Krock  
Notary Public

My commission expires: April 17, 2027

