



IN THE MATTER OF \* BEFORE THE STATE BOARD  
 SAMUEL HANDLER, N.H.A. \* OF EXAMINERS OF  
 Respondent \* NURSING HOME ADMINISTRATORS  
 License Number: R1931 \* Case Number: 2020-006

\* \* \* \* \*

**CONSENT ORDER**

On December 8, 2020, the State Board of Examiners of Nursing Home Administrators (the “Board”) charged SAMUEL HANDLER, NHA (the “Respondent”), License No. R1931, under the Maryland Nursing Home Administrators Licensing Act (the “Act”) codified at Md. Code Ann., Health Occ. §§ 9-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.); and under Code Md. Regs. (“COMAR”) 10.33.01 *et seq.* and 10.07.01 *et seq.*

Specifically, the Board based its action on the following provisions of Health Occ. § 9-314:

....

- (b) *Grounds for reprimands, suspensions, revocations, and fines:* -- 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:

....

- (7) Practices nursing home administration with an unauthorized person or supervises or aids an unauthorized person in the practice of nursing home administration[.]

The pertinent provisions of Health Occ. § 9-205 provide as follows:

- (a) *Powers:* -- 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[.]

The pertinent provisions of COMAR provide as follows:

COMAR 10.33.01.15. 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;

COMAR 10.07.02.09.<sup>1</sup> Administration and Resident Care.

- B. Delegation to Administrator.
  - (1) The licensee, if not acting as an administrator, shall appoint as administrator a responsible person who is:
    - (a) Qualified by training and experience; and
    - (b) Licensed by the Board of Examiners of Nursing Home Administrators for the State.

On October 27, 2021, the parties appeared at a Case Resolution Conference (“CRC”) before a committee of the Board. The Respondent, Respondent’s counsel, and the Administrative Prosecutor assigned to the case participated in the CRC. As a result of the negotiations at the CRC, the parties agreed to the following public Consent Order consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

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<sup>1</sup> The grounds for action were under COMAR 10.07.02.07B(1) which was in effect during the relevant period and recodified on June 17, 2019, to COMAR 10.07.02.09B

## **FINDINGS OF FACT**

The Board makes the following Findings of Fact:

1. At all times relevant hereto, the Respondent was a licensed nursing home administrator (“N.H.A.”). The Respondent was initially issued a license to practice as an N.H.A. on April 21, 2015, under license number R1931. The Respondent’s license is currently non-renewed having expired on April 21, 2021.

### **Complaint**

2. On September 14, 2018, the Board received an email from a director with the Office of Health Care Quality (“OHCQ”) regarding a nursing home in Pikesville, Maryland (“Facility”). According to the email, the Respondent was listed as the administrator in OHCQ’s database. The Board also received an email exchange between Facility, Consulting Company, and OHCQ. In the email exchange, an employee (“Employee”) identifies himself as “the administrator of [Facility].”<sup>2</sup>

### **Board Investigation**

3. Based upon the Application and email exchange received by the Board, the Board initiated an investigation.

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<sup>2</sup> At the time OHCQ received the email in which the Employee referred to himself as the Administrator of the Facility, the Employee’s application to practice as a nursing home administrator in Maryland was still pending. On or about January 29, 2018, the Board received an application for Nursing Home Administrator license (the “Application”) from an employee (“Employee”),<sup>2</sup> who worked at a nursing home in Rhode Island (the “Rhode Island Facility”). On the Application, Employee listed his most recent employment at the Rhode Island Facility and listed his job title as “Administrator.” Included in the Application was a letter from an administrator from a nursing home, who wrote on behalf of Employee. The letter stated “This letter is to introduce you to [Employee]. [Employee] has been the administrator at [Rhode Island Facility] since July of 2015.”

4. On September 14, 2018, the Board's Investigator made an unannounced visit to the Facility. Upon entering the Facility, the Board's Investigator interviewed two staff members to determine who the administrator was. The first staff member stated she did not know. The second staff member stated that Employee was the administrator of the facility and explained that he left for the day but provided his cell phone number.

5. On September 14, 2018, the Board's Investigator called Employee who agreed to return to the Facility and meet. The Board's Investigator interviewed Employee under oath. During the interview, Employee admitted to identifying himself as the administrator in emails. He claimed it was a habit from working as an administrator in another state. He further claimed that once he realized his email stated he was the administrator, he changed his email signature. He claimed that the Respondent was the administrator for Facility and maintained daily contact and visited the facility three days a week.

6. On October 4, 2018, in an interview with the Board's investigator, the Respondent, with counsel present, stated that:

- a. He is the sole facility administrator for the Facility and visited the Facility three days a week and was off site two days a week. He maintains contact with the Facility off site via phone calls, emails, PointClickCare (a clinical portal of use), and reviews 24-hour reports every night. He said Employee works as the assistant administrator at the Facility full time. He was unaware of Employee representing himself as the facility administrator other than the email referenced in the investigation. When he became aware, he advised Employee to correct his email signature.

7. On November 1, 2018, the Respondent, through counsel, provided the Board with the emails between Employee and the Respondent from August 2, 2018, and August

30, 2018. In an email dated August 23, 2018, sent by Employee, Employee states “Good morning my name is [Employee] the new administrator of [the Facility]” and the Respondent was copied on the message. In an email, dated August 31, 2018, sent by Employee, Employee states “My name is [Employee] the administrator of [the Facility].”

8. Based on the foregoing, the Board finds that Respondent’s violations fall within category (3) tier (1)(b) of the Board’s sanctioning guidelines. *See* COMAR 10.33.01.22B (committed a violation resulting in no harm or having potentially minimal harm). The range of potential sanctions under (3), tier (1)(b) is a minimum sanction of a reprimand to a maximum sanction of \$1,000 and probation for 2 years.

#### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the following provisions: Health Occ. § 9-314(b)(7); COMAR 10.33.01.15(A)(1), and COMAR 10.07.02.09(B)(1).

#### **ORDER**

It is, thus, by the Board, hereby:

**ORDERED** that the Respondent is **REPRIMANDED**; and it is further

**ORDERED** that the Consent Order is a **PUBLIC DOCUMENT**, and that the Board may disclose to any national reporting bank to which it is mandated to report. *See*

also Health Occ. § 1-607; Gen. Prov. § 4-333(b)(6).

12/15/2021  
Date

Ciara J. Lee  
Ciara J. Lee, MS, Executive Director  
Maryland State Board of Examiners of  
Nursing Home Administrators

**CONSENT**

I, Samuel Handler, N.H.A., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact, Conclusions of Law and Order.

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 counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving any right to appeal this Consent Order.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Consent Order and understand its meaning and effect.

12/7/2021  
Date

[Signature]  
Samuel Handler, N.H.A.  
Respondent

**NOTARIZATION**

CITY: LAKEWOOD

COUNTY: OLEAN

I HEREBY CERTIFY that on this 7 day of DECEMBER, 2021,  
before me, STEVE GLUCK, Notary Public of the State and City/County  
aforesaid, **Samuel Handler**

personally appeared – OR –

if, during the Maryland State of Emergency and Catastrophic Health Emergency related to COVID-19 as declared by Governor Lawrence J. Hogan, Jr. (the “Governor”), appeared in a manner and under the conditions authorized by the Governor’s Executive Order (“EO”) Authorizing Remote Notarizations (EO 20-03-30-04)

and made oath in due form of law that signing the foregoing Consent Order was the voluntary act and deed of **Samuel Handler**

AS WITNESSETH my hand and notarial seal.  
SEAL



\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_