

IN THE MATTER OF

*

BEFORE THE MARYLAND STATE

LAVERNE POWELL

*

BOARD OF PROFESSIONAL

Applicant

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COUNSELORS AND THERAPISTS

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Case Number: 2022-015

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CONSENT ORDER

On or about February 17, 2023, the Maryland State Board of Professional Counselors and Therapists (the "Board") notified LAVERNE POWELL (the "Applicant"), of the Board's intent to deny her Application to practice as an alcohol and drug trainee under the Maryland State Board of Professional Counselors and Therapists Act (the "Act"), codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (Repl. Vol. 2021).

Specifically, the Board bases its intent to deny on the following:

Health Occ. § 17-509. Denial, probation, suspension or revocation of trainee status, license, or certificate.

Subject to the hearing provisions of § 17-511 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny trainee status, a license, or a certificate to any applicant, place any trainee, licensee, or certificate holder on probation, reprimand any trainee, licensee, or certificate holder, or suspend, rescind, or revoke the status of any trainee, a license of any licensee, or a certificate of any certificate holder if the applicant, trainee, licensee, or certificate holder:

- (1) Fraudulently or deceptively obtains or attempts to obtain trainee status, a license, or a certificate for the applicant, trainee, licensee, or certificate holder or for another;
- (14) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for

disciplinary action under the Board's disciplinary statutes; *to wit,*

- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.]

On June 16, 2023, the parties appeared at a Case Resolution Conference ("CRC") before a committee of the Board. The Applicant, her attorney, Marie J. Ignozzi, Esq., 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 Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. ADT Application

1. On or about September 18, 2020, the Board received the Applicant's application for Alcohol and Drug Trainee authorization ("ADT Application").
2. In her ADT Application, the Applicant answered "No" to question 1, which asked, "Has any state licensing or disciplinary board ever taken any disciplinary action against your license or certification, including, but not limited to, charges, admonishment, reprimand, revocation, or suspension?"
3. A review of the National Practitioner Database records revealed that the Maryland Board of Nursing had disciplined the Applicant's certified nursing assistant ("CNA") and medication technician ("MT") certificates.

II. Maryland Board of Nursing Discipline

2013 Final Decision and Order of Reprimand

4. On October 28, 2013, the Maryland Board of Nursing issued a *Final Decision and Order of Reprimand* (“2013 Order of Reprimand”) in which the Applicant’s CNA and MT certificates were reprimanded.

5. The 2013 Order of Reprimand included the following Findings of Fact¹:

- a. On or about November 22, 2010, the Board received a complaint regarding [Applicant]’s practice from an assisted living facility (“ALF A”) in Maryland.
- b. On November 16, 2010, the [Applicant] was assigned to work at ALF A as a “C.N.A.-Med Tech” on the 10 p.m. to 6:30 a.m. shift at ALF A.
- c. The Director and Co-Owner of ALF A have live-feed video cameras that monitor ALF A.
- d. According to the video recordings, on November 16, 2010 at 10:19 p.m., the [Applicant] went into the television room at ALF A and began watching television. There is a posted note on the door to the room that prohibits the staff from watching television on shift in the room. The video recording indicates that the [Applicant] visualized the note on the door before entering the television room.
- e. ALF A’s Co-Owner told the Board Investigator that he called the [Applicant] on the telephone and verbally warned the [Applicant] that she was not to be watching the television while working. The [Applicant] replied, “Well, what else am I supposed to do?”

¹ The Findings of Fact listed under paragraph 7 of this document are included to serve as only a summary of the Findings of Fact set forth by the Maryland Board of Nursing in its *Final Decision and Order of Reprimand*, In the Matter of Laverne Powell, Certificate Numbers A00111102/MT0060160, Before the Maryland Board of Nursing, dated October 28, 2013. For a complete description of the Findings of Fact, see pages 2-5 of the *Final Decision and Order of Reprimand*, In the Matter of Laverne Powell, Certificate Numbers A00111102/MT0060160, Before the Maryland Board of Nursing, dated October 28, 2013.

- f. According to the video recordings, at 10:22 p.m., the [Applicant] went to the cafeteria where she turned off the lights and again began watching television.
- g. The Co-Owner called the [Applicant] again and told her that she was not to be watching television and needed to provide care to the residents.
- h. At 10:43 p.m., the [Applicant] went to the lower level and turned the narcotics keys into another C.N.A. ("C.N.A. 1"). The [Applicant] told the CNA, "Here's the keys. I'm leaving." The [Applicant] did not give her report on any of the residents' conditions or whereabouts before the [Applicant] left ALF A.
- i. According to the Director of ALF A, during the entire time the [Applicant] was at ALF A on November 16, 2010, the [Applicant] never opened any of the residents' doors, or entered any of the residents' rooms to visualize or ensure the residents' needs were met.
- j. On November 16, 2010, the [Applicant] was terminated from her employment for walking off the job, sleeping on the job, and not performing job duties.

6. The Maryland Board of Nursing, concluded as a matter of law, that the Applicant acted in a manner inconsistent with the health or safety of a person under the applicant or certificate holder's care; practiced as a nursing assistant or medication technician in a manner which fails to meet generally accepted standards for the practice of a nursing assistant or medication technician; physically, verbally, or psychologically abused, neglected, or otherwise harmed a person under the applicant or certificate holder's care; engages in conduct that violates the code of ethics; and abandoned a patient.

2016 Default Final Decision and Order of Revocation

7. On August 22, 2016, the Maryland Board of Nursing issued a *Default Final Decision and Order of Revocation of Nursing Assistant Certificate and Medication*

Technician Certificate (“2016 Order of Revocation”) revoking the Applicant’s C.N.A. and MT certificates.

8. The 2016 Order of Revocation included the following Findings of Fact²:
- a. On July 31, 2013, the Board received a complaint from an Assisted Living Facility [“ALF B”] in Maryland regarding the [Applicant]’s nursing assistant and medication technician practice.
 - b. The [Applicant] worked at the ALF B as an Assisted Living Attendant and Medication Aide on July 22, 2013 and July 23, 2013 on the 11:00 p.m. to 7:00 a.m. shift.
 - c. On Wednesday, July 23, 2013, at approximately 10:00 a.m. an aide reported to the Delegating Nurse that an 87-year-old male patient (“Patient A”) had skin tears on both of his hands. The Delegating Nurse documented that Patient A had one crescent shaped skin tear on both hands; slightly coagulated blood; and, two purpluric oblongated imprints on Patient A’s wrists. When asked what happened, Patient A said, “I was resisting care when this happened.”
 - d. When asked about the bruises to Patient A’s wrists and skin tears to his hands, the [Applicant] told the Board’s Investigator that his hands were normally red because he was on Coumadin.³ The [Applicant] said she did provide care to Patient A but did not notice any skin tears or bruises to his hands.
 - e. On July 24, 2014, [*sic*] the [Applicant] was scheduled to work on the 11:00 p.m. to 7:00 a.m. shift.

² The Findings of Fact listed under paragraph 8 of this document are included to serve as only a summary of the Findings of Fact set forth by the Maryland Board of Nursing in its *Default Final Decision and Order of Revocation of Nursing Assistant Certificate and Medication Technician Certificate*, In the Matter of Laverne Powell, Certificate Numbers A00111102/MT0060160, Before the Maryland Board of Nursing, dated August 22, 2016. For a complete description of the Findings of Fact, see pages 2-5 of the *Default Final Decision and Order of Revocation of Nursing Assistant Certificate and Medication Technician Certificate*, In the Matter of Laverne Powell, Certificate Numbers A00111102/MT0060160, Before the Maryland Board of Nursing, dated August 22, 2016.

³ Coumadin is the trade name for warfarin. Coumadin is an anticoagulant that is used to prevent venous thrombosis, thromboembolic complications associated with atrial fibrillation.

- f. According to the time keeping records, the [Applicant] punched in at 10:51 p.m. on July 24, 2103 [*sic*] and punched out at 4:50 a.m. on July 25, 2013.
- g. ALF B's Office Manager notified the [Applicant] that she did not finish her 11 p.m. to 7 a.m. shift beginning on July 24, 2013 and that she failed to notify the manger that she was leaving at 4:50 a.m. The Officer Manager wrote, "by not completing your shift as scheduled, it is considered job abandonment/unauthorized absence."
- h. The Executive Director told the Board Investigator that none of the other staff reported seeing the [Applicant] after approximately 5:00 a.m. on July 25, 2014 [*sic*]. The [Applicant] did not report off to anyone and did not call the Delegating Nurse of her supervisor before she left.
- i. Staff Member A stated that the [Applicant] was not present during the staff meeting on the morning of July 25, 2013. Staff Member B said that she had actively looked for the [Applicant] between 5:30 a.m. to 5:45 a.m. on July 25, 2013 and could not find her. Staff Member C stated that when she arrived for her shift at approximately 7:00 a.m. on the morning of July 25, 2013, she did not see the [Applicant] at the ALF.
- j. In her written response to the Board, the [Applicant] wrote that she left at the end of her shift at 7 a.m.
- k. In her interview with the Board Investigator, the [Applicant] stated that she punched out at 4:50 a.m. on July 25, 2011 [*sic*] to take her break and forgot to punch back in.

9. The Maryland Board of Nursing concluded as a matter of law that the Applicant acted in a manner inconsistent with the health or safety of a person under the certificate holder's care; practiced as a nursing assistant or medication technician in a manner which failed to meet the generally accepted standards for the practice of nursing assistants or medication technicians; and abandoned a patient.

III. Applicant's Letter of Explanation

10. The Board requested that the Applicant provide an explanation as to why she answered "No" to the disciplinary question in light of her discipline by the Maryland Board of Nursing.

11. On or about August 8, 2021, the Applicant provided the following explanation to the Board:

...Please forgive me for my untruthfulness and I sincerely apologize for not answering the question...There is no justification for my decision to withhold the correct answer...

During my time with the previous employers, I felt treated unfairly [ALF A]. I was never given a chance to review/discuss the details nor circumstances surrounding my case...During my time with the second employer [ALF B] I wasn't in a good place in my life. I was fighting through numerous personal and family challenges. Such challenges impacted my response to the stressors I was experiencing in the workplace; thus, influenced my execution in carrying out work ethics and managing conflict in the workplace...

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law, that the Applicant's conduct as describe above constitutes a violation of the Act, specifically:

On her 2020 ADT Application, the Applicant falsely answered "No" to the question asking "Has any state licensing or disciplinary board ever taken any disciplinary action against your license or certification, including, but not limited to, charges, admonishment, reprimand, revocation, or suspension?" which constitutes, in whole or in part: fraudulently or deceptively obtains or attempts to obtain trainee status, a license, or a certificate for the

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applicant, trainee, licensee, or certificate holder or for another and therefore fraudulently or deceptively attempted to obtain a license, or a certificate for the applicant in violation of Health Occ. § 17-509 (1).

The Maryland Board of Nursing's 2013 *Final Decision and Order of Reprimand* reprimanding the Applicant's CNA and MT certificates and the 2016 *Final Decision and Order of Revocation* revoking the Applicant's CNA and MT certificates constitute, in whole or in part: being disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes in violation of Health Occ. § 17-509(14).

The acts that would be grounds for disciplinary action under the Board's disciplinary statutes in the Maryland Board of Nursing's 2013 *Final Decision and Order of Reprimand* include the Applicant's failure to provide any care to patients assigned to her during her evening shift at an assisted living facility, watching television during her shift, abandoning her patients prior to the end of her shift; and failing to properly report off and transfer care of her patients to another healthcare provider which constitutes, in whole or in part: committing an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy in violation of Health Occ. § 17-509 (16).

The acts that would be grounds for disciplinary action under the Board's disciplinary statutes in the Maryland Board of Nursing's 2016 *Final Decision and Order of Revocation* include the Applicant's abandonment of her patients prior to the end of her shift and failure to report off and transfer care to another healthcare provider while working

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as a CNA and MT at an assisted living facility which constitutes, in whole or in part, committing an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy in violation of Health Occ. § 17-509 (16).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of July, 2023, by a majority of the Board considering this case:

ORDERED that the Applicant's Application to practice as an Alcohol and Drug Trainee ("ADT") in the State of Maryland is DENIED; and it is further

ORDERED that the effective date of this Consent Order is the date that is it signed by the Board; and it is further

ORDERED that this is a Final Order and as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101-4-601 (2014).

07/21/2023

Date



Winnie D. Moore, LCPC
Board Chair
Maryland State Board of Professional
Counselors and Therapists

CONSENT

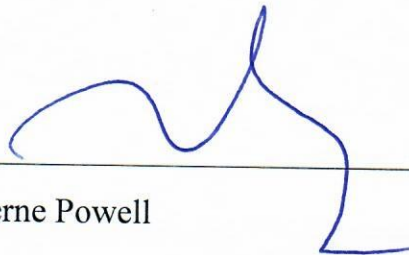
I, **Laverne Powell**, by affixing my signature hereto, acknowledge that:

1. I have had an opportunity to consult with counsel in this matter, before signing this document. I have knowingly and voluntarily agreed to enter into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 17-511 (Repl. Vol. 2021) and Md. Code Ann., State Gov't, §§ 10-201 *et seq.* (2014 Repl. Vol. and 2020 Supp.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have 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 am waiving those procedural and substantive protections.

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4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.
5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my ability to practice as an alcohol and drug trainee in Maryland.
6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

6/27/23
Date



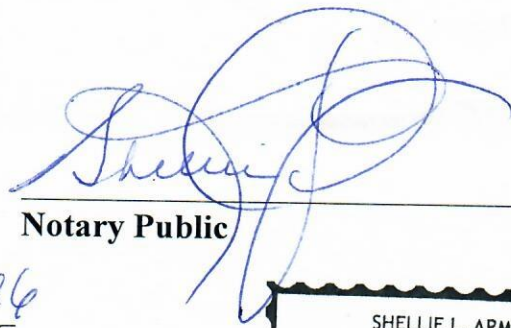
Laverne Powell

NOTARY

STATE OF Maryland
COUNTY OF Carroll

I HEREBY CERTIFY that on this 20th day of June,
2021, before me, a Notary Public of the State and County aforesaid, personally appeared
Laverne Powell, applicant, and gave
oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



Notary Public

My Commission Expires: Jan 2, 2026

