

IN THE MATTER OF

*

BEFORE THE MARYLAND

*

CHIPO GAVI

*

BOARD OF NURSING

*

RN MULTI-STATE LICENSURE

*

PRIVILEGE

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**ORDER FOR SUMMARY SUSPENSION
OF
REGISTERED NURSE MULTI-STATE LICENSURE PRIVILEGE
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 **Registered Nurse Multi-State Licensure Privilege** (“RN MSLP”) (FL License Number RN9617756), of **CHIPO GAVI** (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).

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**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 December 28, 2022, the Respondent was issued an RN license by exam, license number RN9617756, in the State of Florida. The Respondent's Florida RN license has an "active-multi-state"² status and is due to expire on July 31, 2024.

COMPLAINT:

2. On or about March 30, 2023, the Board received a complaint regarding the Respondent's nursing practice. According to the complaint, the Respondent was employed at Facility and there were concerns that the Respondent was "a suspected possible candidate of operation nightingale" and that "this nurse does not know how to care for patients."

NURSYS³

3. NCLEX⁴ registration data shows: the Respondent sat for the NCLEX-RN exam on December 27, 2022; education program code: US70900000; graduation date: 11/2020; Applicant made eligible by: Florida.⁵
4. NURSYS indicates Carleen Health Institute of South Florida, as the RN school connected to the Respondent's Florida RN license.

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.

² Under the Nurse Licensure Compact ("Compact"), Maryland Nurse Practice Act § 8-7A-01, Florida is a compact state, and the Respondent is allowed to practice under the multi-state licensure privilege in any state that is a party to the Compact. The State of Maryland is a party to the Compact.

³ A national database provided through the National Council of State Boards of Nursing (NCSBN), for verification of LPN/RN licensure, disciplinary action, and practice privilege.

⁴ Licensure examination.

⁵ The information provided via NCLEX department combines personal data, supplied by the applicant to the board on 12/272022 during the exam eligibility process, with exam registration data taken.

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CARLEEN HEALTH INSTITUTE OF SOUTH FLORIDA

5. The Florida Dept. of Education – Commission for Independent Education (“CIE”) February 10, 2023 Meeting Staff Summary & Recommendation provides the following:

Institution: Carleen Health Institute of South Florida, West Palm Beach (#5075)

Background:

On April 1, 2022, the Commission issued a Final Order on the Notice of Intent to Deny an application for Substantive Change in Ownership. The institution was ordered to conduct an orderly closure. An on-site visit conducted on September 21, 2022 indicated that Mr. Stanton Witherspoon was overseeing the institution’s train-out. On January 12, 2023, Mr. Witherspoon was indicted and is currently not available to operate the institution.⁶ On February 2, 2023, an on-site visit was conducted and the institution was not in operation.

Recommendation:

Find that Mr. Stanton Witherspoon previously operated an institution in a manner contrary to the health, education, welfare of the public. Find that Mr. Witherspoon is the subject of an indictment involving fraud, deceit, dishonesty, or moral turpitude.

Order the institution to immediately cease enrolling new students and graduating current students until March 31, 2023.

FACILITY: PERSONNEL FILE

6. By letter dated January 16, 2023, the Respondent was offered full time employment as Nurse Supervisor at Facility.
7. The Respondent signed a Registered Nurse Job Description on January 18, 2023.
8. A letter dated May 15, 2023 provides: “Chipo Gavi was a RN at [Facility] and her last day of employment was 4/16/2023.”

⁶ On or about January 12, 2023, Stanton Witherspoon was indicted for Conspiracy to Commit Wire Fraud and Wire Fraud, in the U.S. District Court – Southern District of Florida. According to the Indictment, the purpose of the conspiracy was for the defendants and co-conspirators to unlawfully enrich themselves by, among other things (1) soliciting and recruiting co-conspirators, via interstate wire communication, seeking nursing credentials to obtain employment as an RN or LPN/VN in the health care field (2) creating and distributing, via interstate wire communication, false and fraudulent diplomas and transcripts for co-conspirators seeking RN or LPN/VN licensure and employment in the health care field (3) using the false and fraudulent documents to obtain employment, pay and other benefits in the health care field.

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**THE RESPONDENT'S RESPONSE TO THE BOARD'S REQUEST FOR
INFORMATION**

9. On or about April 20, 2023, the Respondent submitted a response to the Board's request for information, including a response to a questionnaire. The Respondent's response includes the following:

Q. What is the name of the nursing education program from which you received a diploma or degree?

A. Carleen Health Institute of South Florida.

Q. What is the date that you enrolled in your nursing education program?

A. Carleen Health Institute – enrollment 11-18-2018

Q. What is the date that you received a diploma or degree from your nursing education program?

A. Carleen Health Institute – conferred 11-1-2020.

Q. Did you attend any clinicals *in person* as a part of your nursing education program?

A. No. Did it online.

The Respondent submitted an Official Transcript from Carleen Health Institute of South Florida which includes the following information:

Date of Enrollment: 11-18-2018 Date Conferred: 11-1-2020.

Degree Awarded: Nursing Associate in Science.

The Transcript indicates that all nursing courses, labs and clinical practicums were completed at Carleen Health Institute.

THE BOARD'S INVESTIGATIVE INTERVIEW

10. During an in-person interview conducted on May 22, 2023, the Respondent provided the following the information:

- i. She lived in Maryland while attending Carleen and took all her courses online. There were no in-person classes.
- ii. She went to Delaware to register, started classes in November 2018 and paid \$16,000 total in one payment.
- iii. All clinicals including pre-pandemic clinicals were online, involved watching videos, taking a test afterwards and there was no required demonstration of ability to perform skills viewed on the videos.

DISCUSSION

11. The Respondent obtained a Florida RN license by exam based on a fraudulent diploma and transcript from Carleen Health Institute. The Respondent holds a multi-state Florida RN

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license which allows her to practice as a RN in Maryland. The Respondent has been employed as a RN in Maryland.

12. During the Board's investigative interview, the Respondent reported that all courses at Carleen Institute were completed on-line, there were no in-person classes and clinicals were completed through watching videos and taking tests. The Respondent does not meet the Board's statutory and regulatory requirements, including the required didactic and clinical training, to practice as a RN in the State of Maryland.
13. The Respondent holds an active, multi-state Florida RN license and the Respondent's continued practice as a RN in Maryland 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 **RN MULTI-STATE LICENSURE PRIVILEGE (FL RN9617756)**, of **CHIPO GAVI**, in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that there will be a Show Cause Hearing on **AUGUST 22, 2023 at 2:30 PM** before the Board, at the Maryland Board of Nursing offices, 4140 Patterson Avenue, Baltimore, Maryland 21215: and be it further

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ORDERED that if, the suspension of the Respondent’s RN MSLP 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 hearing on the merits of the summary suspension of the Respondent’s RN MSLP, 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 RN MSLP shall continue until further Order of the Board; and it is further

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

July 31, 2023
Date

Rhonda Scott, JD, BSN, CRNI, SD-CLTC
The Interim Executive Director's Signature
Appears on the Original Document