

IN THE MATTER OF

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BEFORE THE MARYLAND

AMADU FOFANA

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BOARD OF NURSING

CERTIFICATE NO.: MT0056292

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FINAL DECISION AND ORDER
LIFTING & TERMINATING SUMMARY SUSPENSION

On or about February 14, 2020, the Maryland Board of Nursing (the “Board”) received a complaint against Amadu Kaloka Fofana (the “Respondent”), a medication technician (“MT”), certificate number MT0056292, alleging that the Respondent violated the Maryland Nurse Practice Act. Following an investigation, on February 9, 2021, the Board issued a “Notice of Intent to Summarily Suspend Medication Technician Certificate Pursuant to Section 10-226(c) of the State Government Article” (the “Notice of Intent to Summarily Suspend”) to the Respondent, which notified the Respondent that the Board was contemplating summarily suspending his certificate to practice as a medication technician. The Notice of Intent to Summarily Suspend notified the Respondent that the Board had scheduled a show cause hearing, before the full Board on February 24, 2021, to provide the Respondent with an opportunity to present oral argument as to why the Board should not summarily suspend his certificate.

On February 24, 2021, the Board held a pre-deprivation show cause hearing, and a quorum of the Board was present. An Administrative Prosecutor was present on behalf of the State. The Respondent was not present. Subsequently, on February 24, 2021, the Board issued an “Order for Summary Suspension of Medication Technician Certificate Pursuant to Section 10-226(c)(2) of the Administrative Procedure Act” (the “Order”) to the Respondent, which notified the Respondent that the Board summarily suspended his certificate to practice as a medication technician pursuant to the authority of Md. Code Ann., State Gov’t § 10-226 (2014 Repl. Vol.), which provides in pertinent part:

State Gov't § 10-226(c)(2): 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 Order notified the Respondent of the opportunity to request an evidentiary hearing before the Board, regarding the merits of the Order, within thirty days of the date of the Order.

On March 5, 2021, the Respondent, through counsel, submitted timely requests for an evidentiary hearing on the Order. By letter dated April 20, 2021, the Board notified the Respondent, and the Respondent's counsel, that an evidentiary hearing, on the merits of the Order, was scheduled for July 28, 2021. On July 28, 2021, the Board held an evidentiary hearing, and a quorum of the Board was present. An Administrative Prosecutor was present on behalf of the State. The Respondent was present with counsel.

Given the direct conflict between the core of the Client's¹ and the Respondent's respective accounts of the alleged events of January 22, 2020, the lack of corroborating evidence to support their accounts, and the Board's assessment of their respective credibility, the Board must find that the State did not prove its case against the Respondent by a preponderance of the evidence. Therefore, the Board must find in favor of the Respondent.

Based on the foregoing, it is hereby:

¹ To ensure privacy, the names of certain individuals and organizations involved in this case are not disclosed in this document.

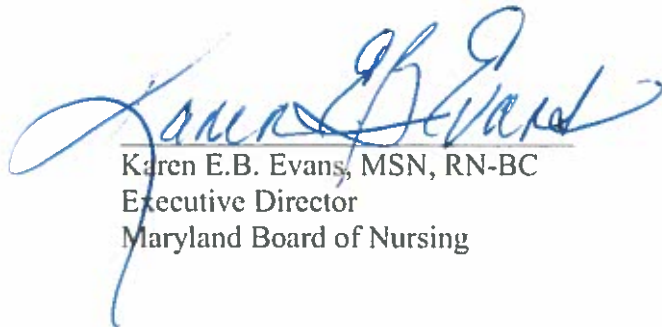
ORDERED that the summary suspension of the certificate of the Respondent, Amadu Kaloka Fofana, to practice as a medication technician in the State of Maryland, certificate number MT0056292, is hereby **LIFTED and TERMINATED**; and it is further

ORDERED that the certificate of the Respondent, Amadu Kaloka Fofana, to practice as a medication technician in the State of Maryland, certificate number MT0056292, is hereby **REINSTATED**, without any terms or conditions attached;² and it is further

ORDERED that this Order is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Repl. Vol.).

MAR 16 2022

Date



Karen E.B. Evans, MSN, RN-BC
Executive Director
Maryland Board of Nursing

² Please note that the Respondent's certificate will be reinstated to non-renewed status because it expired while it was suspended. Specifically, the Governor's Declaration of a State of Emergency related to the COVID-19 pandemic, and accompanying executive orders that permitted extension of licenses and certificates that would have otherwise expired during the State of Emergency, terminated on August 15, 2021. See https://governor.maryland.gov/wp-content/uploads/2021/08/2760_001.pdf. Therefore, in order to practice as a medication technician, the Respondent is responsible for submitting an application to the Board to renew his certificate.