

IN THE MATTER OF
DANIEL SCOTT JACKSON
LICENSE NO.: R206126

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BEFORE THE MARYLAND
BOARD OF NURSING

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**DEFAULT FINAL DECISION AND ORDER OF SUSPENSION
OF REGISTERED NURSE LICENSE**

On September 14, 2021, the Maryland Board of Nursing (the “Board”) issued a charging document¹ (the “Charges”) to DANIEL SCOTT JACKSON, registered nurse (“RN”), license number R206126, (the “Respondent”), alleging that the Respondent violated the Maryland Nurse Practice Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ.”) §§ 8-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.), specifically § 8-316(a)(3) [predicated on § 8-316(a)(4), (8), and (25) [predicated on Code of Maryland Regulations (“COMAR”) 10.27.19.02C(2) and (12)]].

The Board’s Charges notified the Respondent of the opportunity to request an evidentiary hearing before the Board. The Charges also advised that if the Respondent failed to submit a request for a hearing to the Board within thirty (30) days from the date of the issuance of the Charges, the Respondent would waive the opportunity for an evidentiary hearing. In the event of such a waiver, the Charges notified the Respondent that the Board would issue a final decision and order by default pursuant to the authority of § 8-316(a) and (b) of the Health Occupations Article, Md. Code Ann., State Gov’t §§ 10-210(4) and 10-221 (2014 Repl. Vol.), and COMAR 10.27.02.09, wherein the allegations of fact in the Charges would become findings of fact, the disciplinary grounds that the Charges alleged to have been violated would become conclusions of law, and a disciplinary sanction and/or monetary penalty would be imposed.

¹ The Board’s Charging Document consisted of a three-page letter and a four-page document entitled, “Charges Under the Maryland Nurse Practice Act.” The Board’s Charging Document is appended to this Order as Exhibit A and is incorporated by reference in its entirety.

The Board sent its Charges by regular and certified mail to the Respondent's last known address. The Board finds that the Charges were properly issued and that due and proper notice was given to the Respondent in accordance with § 8-317(c) of the Health Occupations Article and §§ 10-207 and 10-209(c) of the State Government Article.

The Respondent failed to submit a request for an evidentiary hearing within thirty (30) days from the date of the issuance of the Board's Charges. Thus, the Board finds that the Respondent has waived the right to an evidentiary hearing and that the Board is authorized to issue this final decision and order by default pursuant to the authority of § 8-317(e) of the Health Occupations Article and § 10-210(4) of the State Government Article.

FINDINGS OF FACT

The Board adopts allegations of fact numbered 1-4 on pages 2-4 of the attached Charges as Findings of Fact.

CONCLUSIONS OF LAW

Accordingly, the Board concludes that the Respondent has violated § 8-316(a) of the Health Occupations Article:

- (3) Is disciplined by a licensing, military or disciplinary authority in this State or in any other state or country or convicted or disciplined by a court in this State or in any other state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; to wit,

§ 8-316 (a):

- (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (8) Does an act that is inconsistent with generally accepted professional standards in the practice of registered nursing or licensed practical nursing;

JACKSON, Daniel Scott (R206126)

Default Final Decision and Order of Suspension of Registered Nurse License

- (25) Engages in conduct that violates the professional code of ethics; to wit, COMAR 10.27.19.02 C. A nurse may not engage in behavior that dishonors the profession whether or not acting in the capacity or identity of a licensed nurse, including, but not limited to:
 - (2) Physically abusing, threatening, or intimidating a coworker, employer, Board staff member, client, or client's family member;
 - (12) Engaging in unprofessional or immoral conduct[.]

The Board concludes that these violations of the Act fall within category C of the Board's sanctioning guidelines. *See* COMAR 10.27.26.07C. The range of potential sanctions under category C includes reprimand to revocation, and/or monetary penalty of \$1,000 to \$5,000. *Id.*

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the license of the Respondent to practice as a registered nurse in the State of Maryland, license number R206126, is hereby **SUSPENDED FOR A MINIMUM OF ONE (1) YEAR** beginning on the effective date of this Order; and it is further

ORDERED that the Board will not consider an application for reinstatement of the Respondent's license to practice as a registered nurse any earlier than **ONE (1) YEAR** from the effective date of this Order; and it is further

ORDERED that, pursuant to the Nurse Licensure Compact,² the multistate status of the Respondent's RN license shall be **deactivated** during the pendency of this Order. Accordingly,

² The Nurse Licensure Compact is an agreement between boards of nursing of party states to the Compact under which registered nurses and licensed practical nurses may have one "multistate" nursing license in their primary state of residence that allows them to practice in any other party state pursuant to a "multistate licensure privilege." *See generally* Health Occ. §§ 8-7A-01 *et seq.* Maryland is a party state to the Compact.

JACKSON, Daniel Scott (R206126)

Default Final Decision and Order of Suspension of Registered Nurse License

the Respondent's RN license shall be designated as single-state only, and the Respondent shall not have a multistate licensure privilege to practice as an RN in any party state to the Nurse Licensure Compact. The multistate status of the Respondent's RN license shall not be reactivated unless and until the probation imposed by this Order is terminated; the Respondent's RN license is restored to full unencumbered and active status; and the Respondent is not otherwise disqualified from holding a multistate license at that time; and it is further

ORDERED that this Default Final Decision and Order is a **PUBLIC RECORD** under Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Repl. Vol.).

9/15/2022
Date

Karen E. B. Evans MSN, RN-BC
The Executive Director's Signature
Appears on the Original Document

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under § 8-316(a) of the Health Occupations Article may take a direct judicial appeal within thirty (30) days of the date this Order is mailed, as provided by § 8-318(b) of the Health Occupations Article, § 10-222 of the State Government Article, and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").

SEP 16 2022

DATE MAILED: _____



Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

September 14, 2021

VIA REGULAR AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Respondent's Address Appears
On the Original Document

RE: NOTICE OF AGENCY ACTION-Charges under the Maryland Nurse Practice Act
Re: Daniel Scott Jackson, R206126

Dear Mr. Jackson.:

The Maryland State Board of Nursing (the "Board") is the state agency responsible for the regulation of the practice of nursing in the State of Maryland pursuant to the authority of the Maryland Nurse Practice Act, Md. Code Ann., Health Occupations ("Health Occ.") § 8-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.). Pursuant to § 8-316(a) and (b) of the Health Occupations Article, the Board may reprimand any licensee, place any licensee on probation, suspend or revoke the license of a licensee, and/or impose a monetary penalty if the Board finds that the licensee has violated any of the disciplinary grounds set forth in Health Occ. § 8-316(a)(1)-(36).

Based on the allegations of fact and violation(s) of the disciplinary ground(s) cited in the enclosed document entitled, "Charges Under the Maryland Nurse Practice Act" (hereinafter "Charges"), the Board is notifying you of its intent to take disciplinary action against your license, which may include reprimand, probation, suspension, revocation, and/or monetary penalty. This letter and the enclosed Charges constitute the notice of agency action that is required by the Maryland Administrative Procedure Act, Md. Code Ann., State Government ("State Gov't.") § 10-207.

Under § 8-317 of the Health Occupations Article, the Board is required to give you an opportunity for an evidentiary hearing before it may take any disciplinary action against your license.

TO REQUEST A HEARING:

If you wish to schedule a hearing, please submit a written request for hearing to the

4140 Patterson Avenue · Baltimore, Maryland 21215-2254
Toll Free: 1 (888) 202 - 9861 · Phone: (410) 585 - 1900 · TTY/TDD: 1 (800) 735 - 2258
Fax: (410) 358 - 3530
www.mbon.maryland.gov



**NOTICE OF AGENCY ACTION: Charges Under the Nurse Practice Act
Daniel Scott Jackson, R206126**

Board within 30 days of the date of this letter, by mail, fax or email, to:

**Attn: Amber Havens Bernal
Enforcement Division – Discipline Dept.
Maryland Board of Nursing
4140 Patterson Avenue
Baltimore, Maryland 21215
Fax: (410) 358-1499
Email: mbon.nursingdiscipline@maryland.gov**

A Request for Hearing form has been enclosed for your convenience.

If you submit a written request for an evidentiary hearing, the Board will schedule a case resolution conference to provide an opportunity for a resolution of this case without proceeding to a formal evidentiary hearing. Your attendance at the case resolution conference is voluntary, and your decision not to attend the case resolution conference will not have any influence on subsequent proceedings in this case. If you choose not to attend the case resolution conference, the Board will schedule an evidentiary hearing on the merits of the Charges.

The Board will notify you in writing, at your last known address on record with the Board, of the date, time and location of the case resolution conference and evidentiary hearing. A copy of the Board's hearing procedures will be made available to you upon request. The hearing before the Board will be conducted in accordance with the Maryland Administrative Procedure Act, State Gov't § 10-201 *et. seq.*, § 8-317 of the Health Occupations Article, and regulations promulgated by the Board at Code of Maryland Regulations ("COMAR") Title 10, Subtitle 27, Chapter 02.

Pursuant to § 8-317 of the Health Occupations Article, and §§ 10-206.1 and 10-208 of the State Government Article, you have the right to be represented by an attorney, to subpoena evidence and witnesses, to present evidence, to cross-examine witnesses called against you, and to present summation and argument. Pursuant to §§ 8-316(a) and 8-317 of the Health Occupations Article, § 10-221 of the State Government Article, and COMAR 10.27.02.09, if, after a hearing, the Board finds that you violated any of the disciplinary ground(s) cited in the Charges, the Board may take disciplinary action against your license by issuing a **public** Final Decision and Order, which will include findings of fact, conclusions of law, and a disciplinary sanction against your license, which may include reprimand, probation, suspension, revocation and/or a monetary penalty.

Also, pursuant to § 10-208(b)(7) of the State Government Article, you may agree to the evidence and waive your right to appear at the hearing before the Board. However, if you waive your right to appear at the hearing or fail to appear at the hearing for any other reason, please be advised that pursuant to § 8-317(e) of the Health Occupations Article and § 10-210(4) of the State Government Article, the Board may hear and consider the State's evidence, decide the disposition of your case despite your absence, and issue a **public** Final Decision and Order, which will include findings of fact, conclusions of law, and, if necessary, a disciplinary sanction against your license, which may include reprimand, probation, suspension, revocation and/or a monetary penalty.

**NOTICE OF AGENCY ACTION: Charges Under the Nurse Practice Act
Daniel Scott Jackson, R206126**

IF YOU DO NOT REQUEST A HEARING:

If you do not request a hearing in writing within 30 days of the date of this letter, you will have waived your opportunity for a hearing. Pursuant to the authority of § 8-316(a) and (b) of the Health Occupations Article, §§10-210(4) and 10-221 of the State Government Article, and COMAR 10.27.02.09, the Board may, in its discretion, issue a **public** Final Decision and Order by default, in which: (1) the allegations of fact in the Charges become findings of fact; (2) the section(s) of § 8-316(a) of the Health Occupations Article that the Board has alleged you violated in the Charges become conclusions of law; and (3) a disciplinary sanction is ordered against your license, which may include reprimand, probation, suspension, revocation and/or a monetary penalty.

Any decision made by the Board regarding the Charges could affect your license to practice as a registered nurse in the State of Maryland. Any Final Decision and Order issued by the Board will be a **public document** and **cannot be expunged**. Therefore, you are strongly advised to retain and be represented by an attorney in any proceeding before the Board. To appear on your behalf, your attorney must be admitted to the Bar in Maryland or specifically admitted pursuant to Maryland Rule 19-217 which governs special admission of out-of-state attorneys *pro hac vice*.

If you or your attorney have any questions about this letter or the enclosed Charges, or you wish to see any other material in your Board file regarding this case, please contact the Administrative Prosecutor assigned to your case, Denise McKoy, AAG, at (410) 767-1384.

Karen E. B. Evans MSN, RN-BC
The Executive Director's Signature
Appears on the Original Document

Encls.: Charges under the Maryland Nurse Practice Act
Request for Hearing form

cc: Denise McKoy, Assistant Attorney General Administrative Prosecutor

IN THE MATTER OF

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BEFORE THE MARYLAND

DANIEL SCOTT JACKSON

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BOARD OF NURSING

LICENSE No. R206126

*

OAG CASE No. 21 - BP - 035

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CHARGES UNDER THE MARYLAND NURSE PRACTICE ACT

The Maryland Board of Nursing (the "Board") hereby charges the license of **DANIEL SCOTT JACKSON**, (the "Respondent"), Registered Nurse License Number **R206126**, pursuant to the Maryland Nurse Practice Act (the "Act"), Md. Code Ann., Health Occupations Article ("Health Occ.") §§ 8-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.).

The pertinent provisions of the Act are as follows:

§ 8-316 (a) *In general.* – Subject to the hearing provisions of § 8-317 of this subtitle, the Board may...reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the... licensee:

- (3) Is disciplined by a licensing, military or disciplinary authority in this State or in any other state or country or convicted or disciplined by a court in this State or in any other state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; *to wit*,
§8-316 (a):
 - (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
 - (8) Does an act that is inconsistent with generally accepted professional standards in the practice of registered nursing or licensed practical nursing;
 - (25) Engages in conduct that violates the professional code of ethics; *to wit*, Code of Maryland Regulations ("COMAR") 10.27.19.02 C. A nurse may not engage in behavior that dishonors the profession whether or not acting in the capacity or identity of a licensed nurse, including, but not limited to:
 - (2) Physically abusing, threatening, or intimidating a coworker, employer, Board staff member, client, or client's family member;
 - (12) Engaging in unprofessional or immoral conduct;

JACKSON, DANIEL SCOTT: R206126 - CHARGES

ALLEGATIONS OF FACT¹

The Board bases its charges on the following facts that the Board has cause to believe are true:

1. On June 5, 2013, the Respondent was issued a license to practice as a registered nurse (“RN”), in the State of Maryland. The Respondent’s RN license has a status of “non-renewed” and expired on June 28, 2021.

STATE OF DELAWARE – BOARD OF NURSING (“DELAWARE BOARD”):

2. After a hearing convened on April 6, 2021², the Hearing Officer, on May 5, 2021, issued a Recommendation of Hearing Officer (“Recommendation”), which includes the following

Findings of Fact:

- i. [The] Respondent is a licensed RN in Maryland (with a license set to expire on June 28, 2021) and has a privilege to practice here pursuant to the Interstate Nurse Licensure Compact. At the time of the complaint [the] Respondent was working at [Facility], a behavioral health inpatient hospital for adults and adolescents. He began his employment in January of that year and had been there less than four months when the incidents occurred on April 4, 2019 involving Patient T. Patient T, a 14-year- old female, was hospitalized for anxiety and behavioral issues. On that date Mr. Jackson was working the 3 pm – 11pm shift in the adolescent unit and was seated at the nurse’s station desk when Patient T approached. A female employee was also standing there performing paperwork. A surveillance camera captured the two incidents on video.
- ii. According to witnesses, including [Witness A] who viewed the video, Patient T appeared agitated. During the first incident, Patient T began to push papers off the desk onto the floor before eventually shoving the phone off the desk. That is when Mr. Jackson came out in a “hurried manner” from behind the desk and grabbed Patient T in her neck and shoulder area, while shoving her down the hall to the day room before shutting the door. When the door reopened, [the] Respondent’s hands were seen raised toward the patient when the door closed again, reopened [sic], and Mr. Jackson returned to the desk at the nurse’s station. While he denied choking Patient T, he did acknowledge placing his hands on her and shoving her.

¹ The 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 The Respondent did not appear at the hearing.

JACKSON, DANIEL SCOTT: R206126 - CHARGES

- iii. An hour or less later, Patient T returned to the nurse's station, again appearing agitated. [The] Respondent was once again seated behind the desk when [Patient] T lifted up papers, ripped and threw them to the floor. She then clicked a hand sanitizer dispenser to allow the substance to spill out onto the desk and shoved a clip board at Mr. Jackson, which struck him in the elbow, causing him to be diagnosed with acute elbow bursitis. When he came out from behind the desk during the second incident, two other staff member, [Staff1 and Staff 2], stepped in between him and Patient T in an effort to stop him. At that point another nurse entered and removed Patient T from the situation.
 - iv. All staff confirmed that there were written policies in place at [Facility] regarding "hands-on" actions by staff with patients. Staff were also required to take a special training called "Handle With Care," which included self-defense tactics. Staff were not permitted to place hands on a patient unless she posed a threat to herself or others. In this situation all staff present or interviewed, including Mr. Jackson, agreed that while Patient T was physically acting out, she did not pose a threat to herself or others. Mr. Jackson acknowledged that he lost his cool and that he did not follow [Facility's] policies or use proper training techniques, which included attempting to talk to the patient to de-escalate the situation whenever possible.
 - v. In his letter he acknowledged that he "reacted emotionally" when he jumped up, raised his voice and "physically put my hands to her upper chest/shoulder area...and forcibly moved her backwards." He admitted "that my use of force during the first described confrontation should not be tolerated in a patient care facility and I later chose to resign." He added that "no harm was intended" and "only meant to stop the aggressive behavior."
 - vi. As a result of his actions, he was charged with several crimes, including abuse of a patient and endangering the welfare of a child, which was not prosecuted when [the] Respondent pled to offensive touching. He fulfilled his probationary conditions, which included a mental health assessment, and anger management class and payment of fines and costs. He was discharged from probation on 12/19/19.
3. On June 23, 2021, the Delaware Board issued a Final Board Order, finding that the Board "is bound by the findings of fact made by the hearing officer" and ordered the Respondent's Privilege to Practice suspended for a period of ninety (90) days and following the 90-day suspension, the Respondent's Privilege to Practice "shall be placed on probation for two years during which Mr. Jackson may not work in a long-term care facility, including a mental health facility for adults or minors."

JACKSON, DANIEL SCOTT: R206126 - CHARGES

U.S. Dept. of Health and Human Services – Office of Inspector General (“OIG”)

4. On August 20, 2020, the Respondent’s name was placed on the OIG exclusion list, and excluding the Respondent from participation in any Federal health care program for at least five years.

NOTICE OF POSSIBLE SANCTIONS

If the Board finds that there are grounds for action under Md. Code Ann., Health Occ. § 8-316 (a) (3), the Board may impose disciplinary sanctions against the Respondent's license, pursuant to COMAR 10.27.26, including reprimand, probation, suspension, revocation and/or the imposition of a monetary penalty.

September 14, 2021
Date

Karen E. B. Evans MSN, RN-BC
The Executive Director's Signature
Appears on the Original Document