

IN THE MATTER OF
MARGARET OLUYEMO

* BEFORE THE MARYLAND
* BOARD OF NURSING

Certificate No.: MT0081257
Certificate No.: A00132520

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**CONSENT ORDER TERMINATING PROBATION OF MEDICATION TECHNICIAN
CERTIFICATE ORDERED BY FEBRUARY 26, 2020 CONSENT ORDER/
CONSENT ORDER OF PROBATION OF MEDICATION TECHNICIAN
CERTIFICATE AND CERTIFIED NURSING ASSISTANT CERTIFICATE**

On February 26, 2020, the Maryland Board of Nursing (the “Board”) approved a Consent Order of Probation of Medication Technician Certificate (the “Probation Order”), which ordered that certificate of **MARGARET OLUYEMO** (the “Respondent”) to practice as a certified medication technician (“MT”) in the State of Maryland, certificate number MT0081257, be placed on probation for a minimum of one year, subject to certain terms and conditions as set forth therein. Since the effective date of the Probation Order, the Respondent has violated several terms and conditions of the Probation Order. The Board investigated the matter and, on March 3, 2022, the Board issued a “Notice of Agency Action: Charges Under the Maryland Nurse Practice Act” (“Charges”), against the Respondent’s MT certificate and her Certified Nursing Assistant (“CNA”) certificate, certificate number A00132520, in the State of Maryland. The Charges alleged that the Respondent violated the Maryland Nurse Practice Act (the “Act”), specifically Md. Code Ann., Health Occ. § 8-6A-10(a)(9) and (20).

On April 12, 2022, the Respondent participated in a case resolution conference (“CRC”) in an effort to resolve the Board’s charges in lieu of an evidentiary hearing before the Board. The Assistant Attorney General – Administrative Prosecutor, also participated in the CRC on behalf of the State. At the CRC, the CRC Committee and the Respondent agreed to, and the Board hereby accepts, the following Findings of Fact, Conclusions of Law, and Order.

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I. FINDINGS OF FACT

The Board finds that:

1. On or about June 14, 2013, the Respondent was certified to practice as a CNA in the State of Maryland, certificate number A00132520. The Respondent's CNA certificate is active and expires on January 28, 2024.
2. On or about June 14, 2013, the Respondent was certified to practice as a MT with an Assisted Living ("AL") designation in the State of Maryland, certificate number MT0081257. The Respondent's MT certificate has a status of "non-renewed-probation" having expired on January 28, 2022.

PROBATION ORDER

3. On or about February 26, 2020, in lieu of an evidentiary hearing on the Charges, the Respondent entered into, and the Board approved, a Consent Order of Probation of Medication Technician Certificate (the "Probation Order"). The Probation Order placed the Respondent's certificate to practice as an MT on probation for a minimum of one year subject to terms and conditions.

4. The Probation Order imposed the following terms and conditions, among others:

...

3. The Respondent shall submit to the Board written monthly self-reports describing the Respondent's progress, even if the Respondent is not working in the nursing field. Failure to provide written self-reports on time shall constitute a violation of probation and this Consent Order;

...

6. The Respondent shall notify the Board in writing of any MT position from which the Respondent is terminated by the employer and/or any MT position from which the Respondent voluntarily resigns within **THREE (3) BUSINESS DAYS** of the date of termination/resignation. The

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Respondent shall include the reasons for the termination or resignation in the written notification; and it is hereby

ORDERED, that the Respondent shall complete a Board-approved MT training program that meets the requirements of COMAR 10.39.04.06 within thirty (30) days of this Order;

...

ORDERED that there shall be no early termination of probation; and it is further

ORDERED that, after one (1) year from the effective date of this Consent Order has passed, the Board will consider a petition for termination of the Respondent's probationary status, provided that the Respondent has been compliant with all of the probationary terms of this Consent Order and safely employed as a MT for at least **NINE (9) MONTHS** immediately preceding the petition for termination of probationary status; and it is further

ORDERED that **failure to comply with any of the terms and conditions of this Consent Order shall constitute a violation of the Consent Order**; and it is further

ORDERED that, if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing, may impose, by further public Order of the Board, any sanction(s) authorized by § 8-6A-10(a) of the Health Occupations Article and COMAR 10.27.26, including reprimand, additional probation, suspension, revocation, and/or monetary penalty[.]

(Probation Order, pp. 3 - 5).

5. On or about March 25, 2020, the Respondent met with the Board's Discipline and Compliance Division where the Respondent received a copy of the Probation Order with a cover letter. The Respondent signed in acknowledgment that she had reviewed the Probation Order and fully understood the terms and conditions.
6. The cover letter and report schedules notified the Respondent that her monthly self reports were due on the 26th of every month beginning March 26, 2020. The cover letter and report schedules further informed the Respondent that "[a]ny report received one (1) day after the due

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date is considered late,” that “[t]his report is due whether you are working or not,” and “[y]ou must continue to send in your reports until you receive a termination of probation order from the Board.”

Monthly Self Reports

7. From the date the Probation Order was executed, the Respondent was required to submit self reports to the Board by the 26th of each month. Since the Probation Order was executed in February 2020, the Respondent has only submitted two self reports: March 2020 and April 2020.

Notification of Resignation

8. The Probation Order required the Respondent to “notify the Board in writing of . . . any MT position from which the Respondent voluntarily resigns within **THREE (3) BUSINESS DAYS** of the date of the . . . resignation.” On or about September 22, 2021, the Respondent’s former employer informed the Board that the Respondent resigned from her MT position on or about March 28, 2020 “to have enough time to focus and complete her nursing school program.”

Board-Approved Courses/Training Program

9. The Probation Order required the Respondent to complete “a Board-approved MT training program that meets the requirements of COMAR 10.39.04.06 within thirty (30) days of . . . th[e] Order.” The Probation Order was executed on February 26, 2020; therefore, the Respondent was required to complete the training program by March 27, 2020. On or about April 30, 2020, the Board received notification that the Respondent completed an MT training program on or about April 30, 2020.

Correspondence Regarding Non-Compliance

10. On or about April 22, 2021, the Board’s Discipline and Compliance Unit – Enforcement Division sent the Respondent a letter to advise her that she was non-compliant with the terms and conditions of the Probation Order.

DISCUSSION

Since the effective date of the Probation Order, the Respondent has been non-compliant with the terms and conditions of the Probation Order as evidenced by: (1) failure to submit monthly self-reports: since the effective date of the Probation Order, the Respondent has only submitted two monthly self-reports; (2) failure to notify the Board of resignation: on or about September 22, 2021, the Respondent's employer informed the Board that she resigned from her MT position on March 28, 2020; (3) failure to complete a Board-approved training program within thirty (30) days of the Probation Order: the Respondent was required to complete a Board-approved training program by March 27, 2020, but the Board received notification that the Respondent completed the training program on April 30, 2020. Therefore, the Board finds that, with respect to the Respondent's MT certificate, the Respondent violated § 8-6A-10(a)(9) and, with respect to her CNA certificate, the Respondent violated § 8-6A-10(a)(20).

The Board concludes that the Respondent's violations of the Act fall within E(1) of the Board's Sanctioning Guidelines. *See* COMAR 10.27.26.07 E. (1). The range of potential sanctions under category E(1) is probation for three years to revocation and the range of potential monetary penalties is \$ 200 to \$ 500.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the Act as follows:

MT:

§ 8-6A-10 (a) *Penalties*. - Subject to the hearing provisions of § 8-317 of this title and § 8-6A-10.1 of this subtitle, the Board may . . . reprimand any certificate holder, place any certificate holder on probation, or suspend or revoke the certificate of a certificate holder, if the . . . certificate holder:

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- (9) Has violated any order, rule, or regulation of the Board relating to the practice or certification of a nursing assistant or medication technician;

CNA:

§ 8-6A-10 (a) *Penalties*. - Subject to the hearing provisions of § 8-317 of this title and § 8-6A-10.1 of this subtitle, the Board may . . . reprimand any certificate holder, place any certificate holder on probation, or suspend or revoke the certificate of a certificate holder, if the . . . certificate holder:

- (20) Has violated any provision of this title or has aided or knowingly permitted any individual to violate any provision of this title[.]

III. ORDER

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

ORDERED that the probation ordered by the Probation Order issued February 26, 2020 is **TERMINATED**; and it is further

ORDERED that, beginning the effective date of this Consent Order, the certificate to practice as a medication technician in the State of Maryland, certificate number **MT0081257**, and certificate to practice as a certified nursing assistant in the State of Maryland, certificate Number **A00132520**, of **MARGARET OLUYEMO**, shall be placed on **PROBATION FOR A MINIMUM OF THREE (3) YEARS**, subject to the following terms and conditions:

1. The Respondent's status as MT will be listed in the Board's records and on the Board's website with the word "**PROBATION**";
2. The Respondent's status as CNA will be listed in the Board's records and on the Board's website with the word "**PROBATION**";
3. The Respondent may seek employment as an MT or CNA, but shall obtain Board

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approval before accepting any new position as an MT or CNA.

4. The Respondent shall submit to the Board written monthly self-reports describing the Respondent's progress, even if the Respondent is not working in the nursing field. Failure to provide written self-reports on time shall constitute a violation of probation and this Consent Order;
5. The Respondent shall immediately notify all employers of the probationary status of her MT and CNA certificates and arrange for all employers to submit, in writing, confirmation that they have reviewed this Consent Order;
6. The Respondent shall arrange for the Respondent's supervisor at the Respondent's place of employment to submit written quarterly work-site reports to the Board evaluating the Respondent's work performance and practice as a CNA and/or MT. If the Respondent's employment terminates at any of the Respondent's place(s) of employment before the due date of a quarterly report, then a final work-site report is due on the last day of employment. It is the Respondent's responsibility to ensure that work-site reports are submitted to the Board and to notify the Respondent's supervisor when these reports are due. An unsatisfactory report will be considered a violation of probation and this Consent Order;
7. The Respondent shall notify the Board in writing of any CNA and/or MT position from which the Respondent is terminated by the employer and/or any CNA and/or MT position from which the Respondent voluntarily resigns within **THREE (3) DAYS** of the date of termination/resignation. The Respondent shall include the reasons for the termination or resignation in the written notification; and it is further

ORDERED that the Respondent shall have contacted, and scheduled an appointment with,

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the Board of Nursing's Discipline/Compliance unit **no later than TEN (10) DAYS** from the effective date of the Consent Order, for the purpose of beginning compliance with its terms and conditions; and it is further

ORDERED that the Respondent may not work outside the State of Maryland without the written permission of the Maryland Board of Nursing and the certifying body in the state where Respondent wishes to work; and it is further

ORDERED that the Respondent shall disclose a copy of this Consent Order to the nursing board or certifying body of another State where employed and submit to the Board written acknowledgement that they have reviewed this Consent Order; and it is further

ORDERED that, in the event that the Board issues to the Respondent any other type of license and/or certificate that the Board is authorized to grant, that license and/or certificate shall also be subject to the terms of this Consent Order; and it is further

ORDERED that the Respondent shall obey all state and federal laws. If the Respondent is convicted of, or pleads guilty to, any crime(s), whether or not any appeal or other proceeding is pending to have the conviction or plea set aside, the Respondent shall notify the Board, in writing, of any conviction(s) or guilty plea(s) within **TEN (10) DAYS** of the conviction or guilty plea. Failure to report a conviction or guilty plea to the Board in writing within **TEN (10) DAYS** is a violation of probation and this Consent Order; and it is further

ORDERED that if the Respondent moves, permanently or temporarily, either within or outside of Maryland, the Respondent shall notify the Board of the new address and phone number within **THREE (3) DAYS** of the move; and it is further

ORDERED that the Respondent shall submit to an in-person, face-to-face annual meeting with Board staff throughout the entire duration of the probationary period if requested to do so;

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and it is further

ORDERED that the Respondent shall be responsible for paying all costs required to comply with all of the terms and conditions of the probation and this Consent Order; and it is further

ORDERED that there shall be no early termination of probation; and it is further

ORDERED that after three (3) years from the effective date of this Consent Order have passed, the Board will consider a petition for termination of the Respondent's probationary status, provided that the Respondent has been compliant with all of the probationary terms of this Consent Order and safely employed as a CNA and/or MT for at least **NINE (9) MONTHS** immediately preceding the petition for termination of probationary status; and it is further

ORDERED that **failure to comply with any of the terms and conditions of this Order shall constitute a violation of the Consent Order**; and it is further

ORDERED that, if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing, may impose, by further public Order of the Board, any sanction(s) authorized by Health Occ. § 8-6A-10 and COMAR 10.27.26, including reprimand, additional probation, suspension, revocation, and/or monetary penalty; and it is further

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

6/1/2022
Date

Gary
Presid

Gary N. Hicks, MS, RN, CEN, CNE
The Board President's Signature
Appears on the Original Document

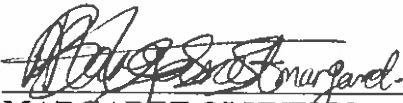
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CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact and accept and submit to the foregoing Consent Order and its conditions. 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 legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.

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



MARGARET OLUYEMO
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NOTARIZATION

STATE: _____

CITY/COUNTY: _____

I HEREBY CERTIFY that on this _____ day of _____, 2021, before me, Notary Public of the State and City/County aforesaid, **MARGARET OLUYEMO**, personally appeared, and declared and affirmed under penalties of perjury that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

SEAL

Notary Public

My Commission Expires: _____