

**REIKIE, Chelsea Marie (A00151166; MT0126570)
Default Final Decision and Order Terminating Probation of CNA/GNA Certificate and
Default Final Decision and Order of Suspension of CNA/GNA Certificate and MT
Certificate**

order by default pursuant to the authority of § 8-6A-10(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.

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 § 8-6A-10.1 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 § 8-6A-10.1(e) of the Health Occupations Article and § 10-210(4) of the State Government Article.

FINDINGS OF FACT

The Board adopts the allegations of fact, numbers 1-16 on pages 2-6 of the attached Charges, as Findings of Fact.

CONCLUSIONS OF LAW

Accordingly, the Board concludes that the Respondent has violated § 8-6A-10(a) of the Health Occupations Article:

CNA Certificate

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

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wit, Consent Order of Probation of Certified Nursing Assistant/Geriatric Nursing Assistant Certificate issued on June 27, 2018;

- (26) When holding an expired certificate or a lapsed certificate, commits any act that would be grounds for disciplinary action under this section; *to wit*,

§ 8-6A-10(a)

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

MT Certificate

- (20) Has violated any provision of this title or has aided or knowingly permitted any individual to violate any provision of this title;
- (26) When holding an expired certificate or a lapsed certificate, commits any act that would be grounds for disciplinary action under this section[.]

The Board concludes that these violations of the Act fall within category E(1) of the Board's sanctioning guidelines.² *See* COMAR 10.27.26.07E(1). The range of potential sanctions under category E(1) includes probation for three (3) years to revocation, and/or a monetary penalty of \$200 to \$500. *Id.*

ORDER

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

ORDERED that the **PROBATION** of the certificate of the Respondent to practice as a certified nursing assistant/geriatric nursing assistant in the State of Maryland, certificate number

² In the event that the Board determines that a certificate holder's violation of the Act falls within more than one category of misconduct established under COMAR 10.27.26.07, the Board shall, in its discretion, determine the category under which the violation shall be adjudicated. COMAR 10.27.26.03I.

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A00151166, as ordered by the Board in its June 27, 2018 Probation Order, is hereby **TERMINATED**; and it is further

ORDERED that the certificate of the Respondent to practice as a certified nursing assistant/geriatric nursing assistant in the State of Maryland, certificate number A00151166, 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 certificate of the Respondent to practice as a medication technician in the State of Maryland, certificate number MT0126570, 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 certificate to practice as a certified nursing assistant/geriatric nursing assistant any earlier than **ONE (1) YEAR** from 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 certificate to practice as a medication technician any earlier than **ONE (1) YEAR** from the effective date of this Order; 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



Board of Nursing

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

September 1, 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
Chelsea Reikie, A00151166, MT0126570**

Dear Ms. Reikie:

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 § 8-6A-10(a) and (b) of the Health Occupations Article, the Board may reprimand any certificate holder, place any certificate holder on probation, suspend or revoke the certificate of a certificate holder, and/or impose a monetary penalty if the Board finds that the certificate holder has violated any of the disciplinary grounds set forth under HO § 8-6A-10(a)(1)-(34).

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 certification, 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 § 86A-10.1 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 certification.

TO REQUEST A HEARING:

If you wish to schedule a hearing, please submit a written request for hearing to the Board within 30 days of the date of this letter, by mail, fax or email, to:

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
Chelsea Reikie, A00151166, MT0126570**

**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.*, § 8-6A-10.1 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 § 8-6A-10.1 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 § 8-6A-10(a)-(b) 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) in the enclosed Charges, the Board may take disciplinary action against your certification by issuing a **public** Final Decision and Order, which will include findings of fact, conclusions of law, and an order of a disciplinary sanction against your certification, 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, § 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 certification, which may include reprimand, probation, suspension, revocation and/or a monetary penalty.

**NOTICE OF AGENCY ACTION: Charges Under the Nurse Practice Act
Chelsea Reikie, A00151166, MT0126570**

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 § 8-6A-10(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 § 8-6A-10(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 certification, which may include reprimand, probation, suspension, revocation and/or a monetary fine.

Any decision made by the Board regarding the Charges could affect your certificate to practice as a certified nursing assistant/ medication technician 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 Kelly Cooper, AAG, at (410) 767 5828.

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

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

cc: Kelly Cooper, Assistant Attorney General, Administrative Prosecutor

IN THE MATTER OF

* BEFORE THE MARYLAND

CHELSEA REIKIE

* BOARD OF NURSING

Certificate Nos.: A00151166

* OAG Case No.: 21-BP-031

MT0126570

* * * * *

CHARGES UNDER THE MARYLAND NURSE PRACTICE ACT

The Maryland Board of Nursing (the “Board”) hereby charges the certificates of **Chelsea Reikie** (the “Respondent”), Certified Nursing Assistant/Geriatric Nursing Assistant—**Certificate No. A00151166** and Medication Technician—**Certificate No. MT0126570**, pursuant to the Maryland Nurse Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 8-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.). The pertinent provisions of the Act are as follows:

CNA/GNA:

§ 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:

- (9) Has violated any order, rule, or regulation of the Board relating to the practice or certification of a nursing assistant or medication technician;
- (26) When holding an expired certificate or a lapsed certificate, commits any act that would be grounds for disciplinary action under this section; *to wit,*

§ 8-6A-10 (a):

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

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:

- (20) Has violated any provision of this title or has aided or knowingly permitted any individual to violate any provision of this title;
- (26) When holding an expired certificate or a lapsed certificate, commits any act that would be grounds for disciplinary action under this section[.]

ALLEGATIONS OF FACT¹

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

1. On July 29, 2015, the Respondent was certified to practice as a Certified Nursing Assistant (“CNA”) and on August 5, 2015, the Respondent received a Geriatric Nursing Assistant (“GNA”) designation in the State of Maryland, certificate number A00151166. The Respondent’s CNA/GNA certificate is currently “non-renewed - probation,” having expired on November 28, 2019.
2. On October 18, 2019, the Respondent was certified to practice as a Medication Technician (“MT”) in the State of Maryland, certificate number MT0126570. The Respondent’s MT certificate is currently “non-renewed - probation,” having expired on November 28, 2019.

BACKGROUND

3. On or about December 22, 2017, the Respondent submitted a Maryland Application for Renewal of Certified Nursing Assistant Certificate where the Respondent answered “No” to the question “Have you ever had any disciplinary action taken against your certification in any state?”

¹ The allegations set forth in this document 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 testimonial or documentary, to be offered against the Respondent in connection with these charges.

4. On or about November 10, 2017, the Respondent entered into a Consent Order (“Consent Order”) with the Maryland Department of Health, Office of Health Care Quality, in which she agreed that her GNA certificate should be placed on the Maryland Geriatric Nursing Assistant Registry with a finding of neglect. The Maryland Department of Health, Office of Health Care Quality approved and executed the Consent Order on November 20, 2017, and the Respondent was placed on the Maryland Geriatric Nursing Assistant Registry effective that date.

5. On May 10, 2018, the Board issued Charges Under the Maryland Nurse Practice Act, which notified the Respondent that the Board was charging her CNA/GNA with violating Health Occ. § 8-6A-10 (a) (1); and Health Occ. § 8-6A-10 (a) (3) *to wit*, Health Occ. § 8-6A-10 (a) (13), (14), (15), and (29) *to wit*, COMAR 10.39.07.02(C)(1); and Health Occ. § 8-6A-10 (a) (29) *to wit*, COMAR 10.39.07.02(C)(13).

PROBATION ORDER

6. On or about June 27, 2018, in lieu of an evidentiary hearing on the Charges, the Respondent entered into, and the Board approved, a Consent Order of Probation of Certified Nursing Assistant/Geriatric Nursing Assistant Certificate (the “Probation Order”). The Probation Order placed the Respondent’s CNA/GNA on probation for a minimum of one year subject to terms and conditions.

7. The Probation Order imposed the following terms and conditions, among others:²

- 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;
- 4. The Respondent shall arrange for the Respondent’s supervisor at the Respondent’s place of employment to submit written quarterly work-

² For a complete list of the terms and conditions of the probation, see Attachment A.

site reports to the Board evaluating the Respondent's work performance and practice as a CNA/GNA. 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;

5. The Respondent shall notify the Board in writing of any CNA/GNA position from which the Respondent is terminated by the employer and/or any CNA/GNA 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;
6. Failure to abide by any of these conditions shall constitute a violation of the Consent Order[.]

(Probation Order, pp. 6-7).

8. The Probation Order further provides:

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 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 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 there shall be no early termination of the probation imposed by this Consent Order. 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 CNA/GNA for at least **NINE (9) MONTHS** immediately preceding the petition for termination of probationary status[.]

(Probation Order, p. 7-9).

9. On July 11, 2018, 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. The Respondent further acknowledged that the following had also been reviewed and fully explained to her: "Employment Verification (which must be immediately filled out by each employer), Self Report (Due whether you are working or not), Work-Site Report (You are responsible for your employer submitting this form on time), Report Schedule."

10. The cover letter and the report schedules notified the Respondent that her monthly self reports were due on the 27th of every month beginning July 27, 2018; and, that her quarterly work-site reports were due on the 27th of July, October, January, and April. The cover letter and the report schedules further informed the Respondent that "Any report received one (1) day after the due date is considered late" and "you cannot stop submitting your reports to the Board unless you have received an Order from the Board, terminating your probation."

Employment and Quarterly Work-Site Reports

11. The Board received an Employment Verification Form dated July 8, 2021, from an employer for the Respondent (the "Employer"),³ which reported that the Respondent was employed as a CNA from November 7, 2016 to August 2, 2019.

³ For purposes of ensuring confidentiality, proper names have been omitted and replaced with generic placeholders. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

12. From the date the Probation Order was executed until the Respondent's employment ended with the Employer, the Respondent was required to submit five (5) quarterly work-site reports to the Board. The Respondent failed to submit one quarterly work-site report (July 2019), and one quarterly work-site report was submitted five days late (received May 2, 2019 but due April 27, 2019).

13. Because the Respondent's employment with the Employer ended before the due date of the next quarterly report, which would have been due October 27, 2019, she was also required to ensure that the Employer submitted a final work-site report on the last day of employment. The Respondent, however, failed to ensure that this final work-site report was submitted to the Board.

14. The Respondent also failed to report her termination/resignation from the Employer within three days as required.

15. The Board has not received any communication from the Respondent or any employers for the Respondent since July 2019; therefore, it is unknown whether the Respondent has been employed since August 2019.

Monthly Self Reports

16. From the date the Probation Order was executed until September 1, 2021, the Respondent has been required to submit thirty-eight (38) self reports to the Board. Out of the thirty-eight (38) required self reports, the Respondent failed to submit twenty-seven (27) self reports.⁴ The Respondent also submitted three (3) self reports late: January 2019 (three days late), May 2019 (three days late), and June 27, 2019 (five days late). The Respondent submitted the remaining eight (8) self reports on time.

⁴ The Respondent failed to submit the following twenty-seven (27) self reports: July 2018, July 2019, August 2019, September 2019, October 2019, November 2019, December 2019, January 2020, February 2020, March 2020, April 2020, May 2020, June 2020, July 2020, August 2020, September 2020, October 2020, November 2020, December 2020, January 2021, February 2021, March 2021, April 2021, May 2021, June 2021, July 2021, and August 2021.

NOTICE OF POSSIBLE SANCTIONS

If the Board finds that there are grounds for action pursuant to Health Occ. § 8-6A-10(a)(9), (20), and/or (26), the Board may impose disciplinary sanctions against the Respondent's certificates, pursuant to COMAR 10.27.26, including reprimand, additional probation, suspension, revocation, and/or monetary penalty.

September 1, 2021
Date

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

ATTACHMENT A

IN THE MATTER OF * BEFORE THE MARYLAND
CHELSEA REIKIE * BOARD OF NURSING
Certificate No: A00151166 *

* * * * *
CONSENT ORDER OF PROBATION OF CERTIFIED NURSING
ASSISTANT/GERIATRIC NURSING ASSISTANT CERTIFICATE

On or about December 22, 2017, the Maryland Board of Nursing (the "Board") received a Certified Nursing Assistant Certificate Renewal Application ("CNA Renewal Application") from Chelsea Reikie (the "Respondent"). Based on information provided in the CNA Renewal Application, the Board conducted an investigation. As a result of that investigation, on May 10, 2018, the Board issued "Charges Under the Maryland Nurse Practice Act," notifying the Respondent that the Board was charging her certificate to practice as a Certified Nursing Assistant/Geriatric Nursing Assistant, certificate number A00151166, with violations of the Maryland Nurse Practice Act, Md. Code Ann., Health Occ. ("HO") §§ 8-101 *et seq.*, specifically:

§ 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:

- (1) Fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant or for another;
- (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: *in vit.*

§ 8-6A-10 (a):

- (13) Has acted in a manner inconsistent with the health or safety of a person under the applicant or certificate holder's care;
- (14) Has 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:

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Consent Order of Probation of CNA/GNA Certificate

- (15) Has physically, verbally, or psychologically abused, neglected, or otherwise harmed a person under the applicant or certificate holder's care;
- (29) Engages in conduct that violates the code of ethics; *to wit*, Code of Maryland Regulations ("COMAR") 10.39.07.02
 - (C) A certificate holder may not engage in the following behaviors that dishonor the practice, whether or not acting in the capacity or identity of a certificate holder, including, but not limited to:
 - (1) Verbal abuse, including use of racial or ethnic slurs, directed toward a coworker, employer, Board staff member, client, or client's family member;
- (29) Engages in conduct that violates the code of ethics; *to wit*, COMAR 10.39.07.02
 - (C) A certificate holder may not engage in the following behaviors that dishonor the practice, whether or not acting in the capacity or identity of a certificate holder, including, but not limited to:
 - (13) Misrepresenting or concealing a material fact in obtaining a certificate, renewing a certificate, or reinstating a certificate[.]

On June 12, 2018, the Respondent and her attorney attended a case resolution conference ("CRC") with members of the Board in an effort to resolve the pending charges in lieu of an evidentiary hearing. The Assistant Attorney General – Administrative Prosecutor, also attended the CRC on behalf of the State. At that CRC, the Respondent and the State agreed to, and the Board hereby accepts, the following Findings of Fact, Conclusions of Law, and Order.

I. FINDINGS OF FACT

The Board finds that:

- I. On July 29, 2015, the Respondent was certified to practice as a Certified Nursing Assistant

REIKIE, CHELSEA (A00151166)
Consent Order of Probation of CNA/GNA Certificate

("CNA") and on August 5, 2015, the Respondent received a Geriatric Nursing Assistant ("GNA") designation. The Respondent's CNA/GNA certificate is currently active and is scheduled to expire on November 28, 2019.

2. On or about December 22, 2017, the Respondent submitted a Maryland Application for Renewal of Certified Nursing Assistant Certificate ("CNA Renewal Application"). As part of the CNA Renewal Application, the Respondent answered "No" to the question "I have you ever had any disciplinary action taken against your certification in any state?"

3. On or about November 10, 2017, the Respondent entered into a Consent Order ("Consent Order") with the Maryland Department of Health, Office of Health Care Quality, in which she agreed that her GNA certificate should be placed on the Maryland Geriatric Nursing Assistant Registry with a finding of neglect.¹

4. The Respondent, as part of the Consent Order, admitted to the following:

- a. "On or about September 24, 2016, the Respondent worked [as a GNA] from 6:58 a.m. to 2:59 p.m." at a Nursing Home in Maryland. "Her work assignment included caring for the Resident."
- b. "The Resident used a wheelchair and required extensive assistance for mobility, including transfers from the bed to the wheelchair. The Resident was dependent on others for activities of daily living. The Resident was totally incontinent of urine and bowel movements. . . . According to the Resident's Care Plan, the Resident was to 'participate in nursing home activities of her choice a minimum of 5 [times] a week and staff w[ould] assist her with participation in each activity.' The Resident's Care Plan further provided that the staff was to 'provide good skin care after episodes of incontinence' as needed."

¹ The Maryland Department of Health, Office of Health Care Quality has the authority to place a finding of abuse, neglect, and/or misappropriation of a resident's property on the Maryland Geriatric Nursing Assistant Registry. Maryland nursing facilities may not hire an individual with a finding on the Maryland Geriatric Nursing Assistant Registry concerning abuse, neglect, or misappropriation of a resident's property. In the case of a finding of neglect, pursuant to 42 U.S.C. § 1396r(g)(1)(D) (2015), an individual may petition for removal of a finding of neglect from the Maryland Geriatric Nursing Assistant Registry after one year. Removal of the finding of neglect is not automatic, an individual must petition for removal and receive notice from the Maryland Department of Health, Office of Health Care Quality that the petition has been granted. At the time of their petition, the individual must show that "the employment and personal history of the nurse aide does not reflect a pattern of abusive behavior or neglect and the neglect involved in the original finding was a singular occurrence." The Respondent may not petition for removal from the Maryland Geriatric Nursing Assistant Registry until at least November 20, 2018.

REIKIE, CHELSEA (A00151166)

Consent Order of Probation of CNA/GNA Certificate

- c. "In or about mid-day September 24, 2016, the Resident requested incontinence care from the Respondent as she had been incontinent of a bowel movement. The Resident also expressed to the Respondent that she wanted to attend the bingo group which was scheduled to start at 2:30 p.m."
 - d. "At approximately 1:00 p.m., a licensed practical nurse ("Employee A"), based on the Resident's request, instructed the Respondent to change the Resident because the Resident had a bowel movement. Despite repeated instructions by Employee A to change the Resident, the Respondent refused to provide this care to the Resident and according to Employee A, stated 'I'm not doing it and getting her back up, she's already been changed three times.' Employee A instructed the Respondent to change the Resident at least three separate times."
 - e. "Approximately forty-five minutes after initially instructing the Respondent to change the Resident, and the Respondent repeatedly refusing to do so, two GNA's ("Employee B" and "Employee C"), changed the Resident. While Employee B and Employee C were changing the Resident, the Respondent entered the Resident's room and criticized the Resident, yelling '[s]he isn't a Queen Bee and she can't always have her way.'"
 - f. "After Employee B and Employee C provided the needed incontinence care for the Resident, the Respondent refused to assist the Resident out of bed for bingo and informed the Resident that she was not allowed to get out of bed and go to bingo. Shortly afterwards, Employee A found the Resident crying in her room. The Resident informed Employee A that she was crying because the Respondent told the Resident she was not allowed to get out of bed for bingo. The Resident also informed Employee B that she did not understand why the Respondent 'was so mad at her' and that she could not help that she had a bowel movement."
 - g. "As a result of the Respondent's conduct, the Resident had to sit in soiled clothing for approximately forty-five minutes and was not able to attend the bingo activity."
5. The Maryland Department of Health, Office of Health Care Quality approved and executed the Consent Order on November 20, 2017.
 6. The Respondent was placed on the Maryland Geriatric Nursing Assistant Registry effective November 20, 2017.
 7. The Board finds that the Respondent's violation of the Nurse Practice Act falls within category C of the Board's sanctioning guidelines. See COMAR 10.27.26.07(C). The range of potential sanctions under category C is reprimand to revocation, and the range of potential monetary penalties is \$100 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:

HO § 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:

- (1) Fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant or for another;
- (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*,

§ 8-6A-10 (a):

- (13) Has acted in a manner inconsistent with the health or safety of a person under the applicant or certificate holder's care;
- (14) Has 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;
- (15) Has physically, verbally, or psychologically abused, neglected, or otherwise harmed a person under the applicant or certificate holder's care;
- (29) Engages in conduct that violates the code of ethics; *to wit*,

COMAR 10.39.07.02

- (C) A certificate holder may not engage in the following behaviors that dishonor the practice, whether or not acting in the capacity or identity of a certificate holder, including, but not limited to:
 - (1) Verbal abuse, including use of racial or ethnic slurs, directed toward a coworker, employer, Board staff member, client, or client's family member;
- (29) Engages in conduct that violates the code of ethics; *to wit*,

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COMAR 10.39.07.02

(C) A certificate holder may not engage in the following behaviors that dishonor the practice, whether or not acting in the capacity or identity of a certificate holder, including, but not limited to:

- (13) Misrepresenting or concealing a material fact in obtaining a certificate, renewing a certificate, or reinstating a certificate[.]

III. ORDER

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

ORDERED that the Respondent's certificate to practice as a certified nursing assistant/geriatric nursing assistant, Certificate Number A00151166, in the State of Maryland shall be placed on **PROBATION FOR A MINIMUM OF ONE (1) YEAR**, beginning on the effective date of this Consent Order, subject to the following terms and conditions:

1. The Respondent's status as a certified nursing assistant/geriatric nursing assistant will be listed in the Board's records and on the Board's website as being on "Probation";
2. The Respondent may continue to work at her current employer but shall obtain Board approval before accepting any new position;
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;
4. 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/GNA. 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.

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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:

5. The Respondent shall notify the Board in writing of any CNA/GNA position from which the Respondent is terminated by the employer and/or any CNA/GNA 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;

6. Failure to abide by any of these conditions shall constitute a violation of the Consent Order; and it is further

ORDERED that the Respondent shall have contacted, and scheduled an appointment with the Board of Nursing's Discipline/Compliance unit no later than ten (10) days from the effective date of this Consent Order, for the purpose of beginning compliance with its terms and conditions. Failure to contact the Board as required by this paragraph shall constitute a violation of probation and of this Consent Order; 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 the 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

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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 in the event that 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; 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 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 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 there shall be no early termination of the probation imposed by this Consent Order. After **ONE (1) YEAR** from the effective date of this Consent Order has passed,

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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/GNA for at least NINE (9) MONTHS immediately preceding the petition for termination of probationary status; and it is further

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

6/27/18
Date

Sabita Persaud, PhD, RN, APHN-BC
The Executive Director'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 after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.

Chelsea Reikie
Chelsea Reikie, A00151166

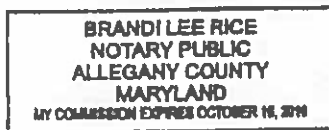
NOTARIZATION

STATE: Maryland
CITY/COUNTY: Lumberland / Allegany

I HEREBY CERTIFY that on this 20 day of June, 2018, before me, Notary Public of the State and City/County aforesaid, Chelsea Reikie personally appeared, and made oath in due form of law that signing the foregoing Consent Order of Probation was the voluntary act and deed of Chelsea Reikie.

AS WITNESSETH my hand and notarial seal.

SEAL



Brandi Lee Rice
Notary Public

My Commission Expires: 10-16-2019