

IN THE MATTER OF

* BEFORE THE MARYLAND

KARA KATHERINE RITCH

* BOARD OF NURSING

CERTIFICATE NO.: MT0113340

*

* * * * *

**DEFAULT FINAL DECISION AND ORDER OF REVOCATION
OF MEDICATION TECHNICIAN CERTIFICATE**

On October 20, 2021, the Maryland Board of Nursing (the “Board”) issued a charging document¹ (the “Charges”) to **KARA KATHERINE RITCH**, medication technician (“MT”), certificate number **MT0113340**, (the “Respondent”), alleging that the Respondent violated the Maryland Nurse Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 8-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.), specifically § 8-6A-10(a)(13), (14), (15), and (29), predicated on Code of Maryland Regulations (“COMAR”) 10.39.07.02C(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 § 8-6A-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 facts, 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 seven-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 addresses. The Board finds that the Charges were properly issued and that due and proper notice was given to the Respondent in accordance § 8-6A-10.1 of the Health Occupations Article and §§ 10-207 and 10-209(a) and (c) of the State Government Article of the Maryland Annotated Code.

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 of the Maryland Annotated Code.

FINDINGS OF FACT

The Board adopts allegations of fact numbers 1-12 on pages 2-7 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:

- (13) Has acted in a manner inconsistent with the health or safety of an individual 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 an individual 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:
- (2) Physically abusing, threatening, or intimidating a coworker, employer, Board staff member, client, or client's family;
 - (12) Engaging in unprofessional or immoral conduct[.]

The Board concludes that these violations of the Act fall within category A(2) of the Board's sanctioning guidelines. *See* COMAR 10.27.26.07A(2). The range of potential sanctions under category A(2) 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 certificate of the Respondent to practice as a medication technician in the State of Maryland, certificate number MT0113340, is hereby **REVOKED**; 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

RITCH, Kara Katherine (MT0113340)
Default Final Decision and Order of Revocation of Medication Technician Certificate

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 § 8-6A-10 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 § 8-6A-11 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

October 20, 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: Kara Ritch, MT0113340

Dear Ms. Ritch:

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



October 20, 2021

**NOTICE OF AGENCY ACTION: Charges Under the Nurse Practice Act
Kara Ritch, MT0113340**

**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.

October 20, 2021

NOTICE OF AGENCY ACTION: Charges Under the Nurse Practice Act

Kara Ritch, MT0113340

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 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, Tracy Bull, AAG, at (410) 767-8993.

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: Tracy Bull, Assistant Attorney General, Administrative Prosecutor

IN THE MATTER OF

*

BEFORE THE MARYLAND

KARA RITCH

*

BOARD OF NURSING

CERTIFICATE NO.: MT0113340

*

OAG CASE NOS.: 21-BP-025
21-BP-026

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CHARGES UNDER THE MARYLAND NURSE PRACTICE ACT

The Maryland Board of Nursing (the “Board”) hereby charges the certificate of **KARA RITCH** (the “Respondent”), **Medication Technician, Certificate Number MT0113340**, 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:

§ 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:

....

- (13) Has acted in a manner inconsistent with the health or safety of an individual 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 an individual 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:

....

- (2) Physically abusing, threatening, or intimidating a coworker, employer, Board staff member, client,

- or client's family;
....
(12) Engaging in unprofessional or immoral
conduct[.]

ALLEGATIONS OF FACT¹

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

1. At all times relevant to the charges herein, the Respondent was certified to practice as a medication technician ("MT") in the State of Maryland. On or about June 9, 2017, the Board issued the Respondent certificate number MT0113340 to practice as a medication technician in the State of Maryland. The Respondent's MT certificate is active and due to expire on November 28, 2021.

BACKGROUND

2. On or about April 2, 2020, the Respondent began employment as a Resident Assistant/Medication Technician at an assisted living facility (the "ALF")² in Maryland.

3. On or about July 1, 2020, the Board received a complaint ("First Complaint") from the Office of Health Care Quality ("OHCQ") in Maryland indicating that OHCQ had received a complaint from the son (the "Son") of an 84-year-old female patient (the "Patient"). The Son alleged that on or about June 17, 2020, the Respondent abused the Patient when attempting to administer medications to the Patient. According to the Son, the Patient was washing her feet when the Respondent entered the room to administer evening medications. The Patient asked the

¹ The allegations set forth in this document are intended to provide the Respondent with notice of the alleged charges. 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 in connection with these charges.

² 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.

Respondent to wait to administer the medications. The Respondent insisted on administering the medications immediately and engaged in a physical altercation with the Patient by twisting her hand causing a fractured finger and skin tear; and, hitting her in the face causing bruising on her forehead. The First Complaint contained the following statement written by the Son:

On Wednesday evening June 17, 2020 at approximately 9:15 p.m...my mother called me on the phone. While she was explaining what happened – I could hear Ms. Ritch screaming from down the hallway back into [the Patient's] room saying "you need to stop lying and saying those things about me. You know that didn't happen." We immediately called 911. I called back to [the ALF] to speak to the manager on duty. I was placed on hold. When the phone picked up, Ms. Ritch was on the line and said "it was a misunderstanding and your mom is ok."

4. On or about September 29, 2020, the Board received a complaint ("Second Complaint") from the Patient's Son regarding the same incident that occurred on June 17, 2020 between the Respondent and the Patient.

5. After the Son called 911, the police responded to the ALF on June 17, 2020 at approximately 9:00 p.m. The police officer wrote the following in the police report:

...When this officer entered [Patient's] room, I could see she was visibly distraught, and had visible injuries to her forehead, and right little finger. [Patient] was in a wheel chair [*sic*] next to her bed, with her entire body trembling. This officer asked [Patient] to explain what happened to cause her injuries. [Patient] explained on today's date at approximately 21:15 hrs, she was washing her feet in the bathroom when suspect Kara Ritch, a nursing aid, entered her room. [Patient] advised [that] Suspect Ritch was there to give the [Patient] her medicine. [Patient] explained she told [Respondent] she couldn't take her medicine at that time because she was in the middle of washing her feet...[Respondent] became agitated and started to physically grab ahold of [Patient's] hand. [Patient] explained she tried to defend herself by pushing [Respondent] away from her. [Patient] explained [Respondent] became more aggressive and the two of them "tussled" for a moment. [Patient] believed she was struck on the forehead by the keys [Respondent] wore on a band around her wrist. [Patient] explained after [Respondent] left the room, she called her son and explained what occurred...

6. The ALF's Certified Nurse Practitioner ("CRNP") assessed the Patient and documented that the Patient's 4th finger on her right hand was swollen and bruised and her right temple was bruised. The Patient's finger was x-rayed and she was found to have an acute fracture of the right

4th proximal phalanx.

7. Photographs of the Patient's injuries received by the Board show a large bruise above the Patient's right eye, swollen and bruised finger on her right hand, and a skin tear on her right hand.

8. The Board Investigator interviewed the Patient on January 26, 2021. The Patient stated the following:

- a. When the Respondent came into her room with her pills, she was soaking her feet at the time and asked for a couple of minutes.
- b. The Respondent got angry, started yelling, and it became physical.
- c. The Respondent was eating yogurt when she came in and it splashed on the walls. The Respondent started hitting her and she put her hands up to protect her face.
- d. The Respondent was "hitting [her] arm, slapped [her] in the face, on the cheek and the keys hit [her] forehead."
- e. The Respondent "grabbed [her] finger" and broke it. Her finger "doesn't open right anymore" and she has a hard time with the wheelchair.
- f. When the Respondent left, she called her son. The Respondent came back in the room while she was on the phone and started yelling that she was lying. Her son told her to close the door and told her he was calling the police.

9. The Board Investigator interviewed the Son on January 5, 2021 who stated the following:

- a. On the night of June 17, 2020, he received a very "panicked" phone call from the Patient around 9:30ish. The Patient said she was just "assaulted" and she was very "out of sorts" and had "high anxiety."
- b. The Patient told him that she was in the bathroom washing her feet and the Respondent came in to give her medication. The Patient said she asked the Respondent to come back when she was done washing her feet. The Respondent was annoyed and insisted she take the medication immediately.
- c. The Patient told him that the Respondent told the Patient nobody liked her (the Patient) at the ALF and that no one would believe the Patient. The Patient said that the Respondent called her a racist.
- d. The Patient told him that she (the Patient) pointed her finger at the Respondent and told the Respondent not to talk to her like that. Then the Respondent grabbed the Patient's hand and twisted it fracturing her ring finger. The Patient

said the Respondent hit her twice on her temple with her hand that had her keys on it.

- e. In the background, he could hear a female screaming from down the hallway or outside of the Patient's door. The female was saying "hang up the phone", "no don't you dare", and "you're lying." The female was screaming and berating the Patient and he could hear the voice getting closer and closer.
- f. He told his mother to close the door and lock it. He called the police.
- g. He then called the ALF and asked to speak to the manager on duty, he was put on hold. Then a person came back on the phone and asked him what it was about. He told the person that the Patient had been assaulted. The person told him that "everything is fine" and he didn't have to worry about it. The person told him that the Patient was a little disoriented. He recognized the person's voice as the same person who had been yelling at the Patient in the background. When he asked who he was speaking to, the person hung up. At that point, he feared for the Patient's life because he didn't know what was going on.
- h. When he arrived at the ALF, the police and the Executive Director had already arrived.
- i. He filed a complaint with the police and was told that the case had been transferred to the elder abuse division.

10. The Respondent provided a written statement to the Board dated November 12, 2020 in which she wrote the following:

...I entered [the Patient's] room after knocking, to administer medication. [The Patient] always expects med techs to leave medication on her counter or nightstand. After about 3 times of explaining why I could not, I proceeded with ringing her call bell for documentation. As I am leaving the bathing area, she blocks my exit aggressively. [The Patient] is confined to a wheelchair, with upper strenght. [sic] I briefly attempted to brush pass [sic] and she then attacked me trying to take the medication out of my hand. This went on for a few minutes because the medication was knocked out of my hand, along with apple sauce...

11. The Board Investigator interviewed the Respondent on March 23, 2021. The Respondent stated the following:

- a. The Patient is normally given her medications last because she tends to give the MTs a hard time about taking medication. The Patient attempts to get the MTs to leave the medicine in her room or refuses to take her medication at a set time,

and then would later say she did not get her medication.

- b. The ALF developed a plan to prove that an attempt was made to give the Patient her medication by having the MTs pull the call bell indicating they attempted to give the Patient her medications and then they are to continue with rounds.
- c. When she went into the Patient's room on June 17, 2020 to give her medications, the Patient was sitting in her wheelchair near the sink.
- d. The Patient asked her to leave the medication on the counter and she told the Patient "three or four times" that she couldn't leave the medication on the counter.
- e. She pulled the call bell in the bathroom to indicate that she was not able to administer the Patient's medication.
- f. When she was coming out of the bathroom, the Patient tried to block her from leaving the bathroom. The Patient pulled on her scrub top and arm trying to get to the medication.
- g. She had the medication in one hand and applesauce in the other hand and the applesauce splattered on the wall.
- h. She went to the nurse's station to report that she was unable to administer Patient's medications.
- i. She took a phone call from the Patient's family member who stated that the Patient was being assaulted. She explained that she was in the room and no assault occurred.

12. The Respondent's personnel records from the ALF indicate the following:

- a. On or about May 24, 2020, the Respondent received a verbal warning that she had failed to properly document the administration of physician ordered medication and/or treatments.
- b. On or about June 1, 2020, the Respondent received a written warning for substandard work and a violation of safety rules for failing to complete rounds on assigned residents within the first hour of her shift.
- c. On or about June 9, 2020, the Respondent received a written warning for failing to properly document the administration of physician ordered medication and/or treatments.
- d. On June 18, 2020, the Respondent was terminated from her employment at the

RITCH, Kara
MT0113340
Charges

ALF.

NOTICE OF POSSIBLE SANCTIONS

If the Board finds that there are grounds for action under Md. Code Ann., Health Occ. § 8-6A-10 (a) (13), (14), (15), and/or (29) the Board may impose disciplinary sanctions against the Respondent's certificate, pursuant to COMAR 10.27.26, including reprimand, probation, suspension, revocation and/or the imposition of a monetary penalty.

October 20, 2021
Date

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