

IN THE MATTER OF

*

BEFORE THE MARYLAND

*

LUM ERNESTINE BUTLER

*

BOARD OF NURSING

*

License Number: LP53850

*

*

* * * * *

**ORDER FOR SUMMARY SUSPENSION
OF
LICENSED PRACTICAL NURSE LICENSE
PURSUANT TO SECTION 10-226(c)(2) OF THE ADMINISTRATIVE
PROCEDURE ACT**

The Maryland Board of Nursing (the “Board”) hereby orders the **SUMMARY SUSPENSION** of the Licensed Practical Nurse license, license number **LP53850**, of **LUM ERNESTINE BUTLER** (the “Respondent”), in the State of Maryland. The Board takes this action pursuant to the authority of Maryland Code Ann., State Government Article (“SG”) § 10-226 (c) (2) (2021 Repl. Vol.), which provides:

- A unit may order summarily the suspension of a license if the unit:
 - (i) finds that the public health, safety, or welfare imperatively requires emergency action; and
 - (ii) promptly gives the licensee:
 - 1. Written notice of the suspension, the finding and the reasons that support the finding; and
 - 2. An opportunity to be heard.

The Board has reason, as set forth below, to find that the public health, safety, or welfare imperatively requires emergency action under SG § 10-226 (c) (2).

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
BUTLER, LUM ERNESTINE: LP53850**

**INVESTIGATIVE FINDINGS AND REASONS IN SUPPORT
OF SUMMARY SUSPENSION**

Based on investigatory information obtained by, received by, made known to and available to the Board, the Board has reason to believe that the following facts are true:¹

1. On March 14, 2018, the Respondent was issued a Licensed Practical Nurse (“LPN”) license in the State of Maryland. The Respondent’s LPN license is “non-renewed” and expired on January 28, 2022.

MARYLAND APPLICATION FOR EXAM OF LPN LICENSE (“LPN APPLICATION”)

2. On or about November 1, 2017, the Respondent submitted an on-line LPN Application. The Respondent indicated on the LPN Application that she graduated from LPN School on February 6, 2013.
3. The Respondent affirmed and agreed to the following statement: “I affirm that the contents of this document are accurate to the best of my knowledge.” The Respondent was advised that “providing false or misleading information may result in disciplinary action by the Board and may result in denial of licensure.”

LPN SCHOOL

4. On July 21, 2010, the Virginia Board of Nursing approved a Consent Order, ordering that [LPN School] be placed on Conditional Provisional Approval for not less than one (1) year, subject to terms and conditions. The Consent Order was signed by LPN School’s Program Director (“Director”).
5. On May 15, 2012, the Virginia Board of Nursing approved a Consent Order, signed by Director. The May 15, 2012 - Consent Order orders that:

¹The 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.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
BUTLER, LUM ERNESTINE: LP53850**

- i. [LPN School’s] approval to operate a practical nursing education program in Virginia is WITHDRAWN. [LPN School] shall cease operations no later than June 30, 2013, when all students shall either have graduated or transferred to an approved program.
- ii. [LPN School] shall not admit any new or transfer students.

THE RESPONDENT’S LPN SCHOOL OFFICIAL TRANSCRIPT

6. The Official Transcript, signed by Executive Program Director (“Director”)² and dated February 8, 2013, provides the following information:

<p><u>FIRST QUARTER</u> From: 09/19/2011 To: 11/18/2011</p> <table border="1"> <thead> <tr> <th><u>Course Description</u></th> <th><u>Contact Hours</u></th> </tr> </thead> <tbody> <tr> <td>Basic Computer</td> <td>30</td> </tr> <tr> <td>Medical Terminology</td> <td>60</td> </tr> <tr> <td>Anatomy and Physiology</td> <td>180</td> </tr> <tr> <td>Total Contact Hours Required</td> <td>270</td> </tr> </tbody> </table>	<u>Course Description</u>	<u>Contact Hours</u>	Basic Computer	30	Medical Terminology	60	Anatomy and Physiology	180	Total Contact Hours Required	270	<p><u>[THIRD] QUARTER</u> From: 04/02/2012 To: 07/20/2012</p> <table border="1"> <thead> <tr> <th><u>Course Description</u></th> <th><u>Contact Hours</u></th> </tr> </thead> <tbody> <tr> <td>Med/Surg I</td> <td>120</td> </tr> <tr> <td>Med/Surg II</td> <td>120</td> </tr> <tr> <td>Med/Surg Clinical</td> <td>200</td> </tr> <tr> <td>Med/Surg Lab</td> <td>40</td> </tr> <tr> <td>Geriatrics Theory</td> <td>30</td> </tr> <tr> <td>Geriatrics Clinical</td> <td>40</td> </tr> <tr> <td>Total Contact Hours Required</td> <td>550</td> </tr> </tbody> </table>	<u>Course Description</u>	<u>Contact Hours</u>	Med/Surg I	120	Med/Surg II	120	Med/Surg Clinical	200	Med/Surg Lab	40	Geriatrics Theory	30	Geriatrics Clinical	40	Total Contact Hours Required	550						
<u>Course Description</u>	<u>Contact Hours</u>																																
Basic Computer	30																																
Medical Terminology	60																																
Anatomy and Physiology	180																																
Total Contact Hours Required	270																																
<u>Course Description</u>	<u>Contact Hours</u>																																
Med/Surg I	120																																
Med/Surg II	120																																
Med/Surg Clinical	200																																
Med/Surg Lab	40																																
Geriatrics Theory	30																																
Geriatrics Clinical	40																																
Total Contact Hours Required	550																																
<p><u>SECOND QUARTER</u> From: 11/21/2011 To: 03/30/2012</p> <table border="1"> <thead> <tr> <th><u>Course Description</u></th> <th><u>Contact Hours</u></th> </tr> </thead> <tbody> <tr> <td>Diet and Nutrition</td> <td>60</td> </tr> <tr> <td>Pharmacology</td> <td>120</td> </tr> <tr> <td>Nursing Fundamentals</td> <td>210</td> </tr> <tr> <td>Nursing Fundamentals Lab</td> <td>60</td> </tr> <tr> <td>Nursing Fundamentals Clinical</td> <td>40</td> </tr> <tr> <td>Total Contact Hours</td> <td>490</td> </tr> </tbody> </table>	<u>Course Description</u>	<u>Contact Hours</u>	Diet and Nutrition	60	Pharmacology	120	Nursing Fundamentals	210	Nursing Fundamentals Lab	60	Nursing Fundamentals Clinical	40	Total Contact Hours	490	<p><u>FOURTH QUARTER</u> From: 07/23/2012 To: 02/08/2013</p> <table border="1"> <thead> <tr> <th><u>Course Description</u></th> <th><u>Contact Hours</u></th> </tr> </thead> <tbody> <tr> <td>Pediatric Nursing</td> <td>90</td> </tr> <tr> <td>Pediatric Nursing Clinical</td> <td>40</td> </tr> <tr> <td>Maternity Nursing</td> <td>90</td> </tr> <tr> <td>Maternity Clinical</td> <td>40</td> </tr> <tr> <td>Mental Health Nursing</td> <td>30</td> </tr> <tr> <td>Mental Health Clinical</td> <td>40</td> </tr> <tr> <td>Professional Development & NCLEX Review</td> <td>60</td> </tr> <tr> <td>Total Contact Hours Required</td> <td>390</td> </tr> </tbody> </table>	<u>Course Description</u>	<u>Contact Hours</u>	Pediatric Nursing	90	Pediatric Nursing Clinical	40	Maternity Nursing	90	Maternity Clinical	40	Mental Health Nursing	30	Mental Health Clinical	40	Professional Development & NCLEX Review	60	Total Contact Hours Required	390
<u>Course Description</u>	<u>Contact Hours</u>																																
Diet and Nutrition	60																																
Pharmacology	120																																
Nursing Fundamentals	210																																
Nursing Fundamentals Lab	60																																
Nursing Fundamentals Clinical	40																																
Total Contact Hours	490																																
<u>Course Description</u>	<u>Contact Hours</u>																																
Pediatric Nursing	90																																
Pediatric Nursing Clinical	40																																
Maternity Nursing	90																																
Maternity Clinical	40																																
Mental Health Nursing	30																																
Mental Health Clinical	40																																
Professional Development & NCLEX Review	60																																
Total Contact Hours Required	390																																

Summary of Clinical Agencies/Facilities and dates for each experience

<u>Clinical Courses</u>	<u>Clinical Agency</u>	<u>Clinical Date</u>	<u>Start</u>	<u>Clinical End Date</u>	<u>Total Hours</u>
Nsg. Fundamentals	[Site A]	3/26/12		3/30/12	40
Medical-Surgical Nsg.	[Sites B, C & D]	6/4/12		7/6/12	200
Geriatrics Nsg.	[Site A]	7/16/12		7/20/12	40
Maternity Nsg.	[Site E]	8/20/12		8/24/12	40
Pediatrics Nsg.	[Site E]	9/24/12		9/28/12	40
Mental Health Nsg.	[Site F]	10/15/12		10/19/12	40

² On or about July 8, 2021, in the U.S. District Court of Maryland, Director was indicted on charges of Conspiracy to Commit Health Care Fraud; Conspiracy to Commit False Statements Relating to Health Care Matters and False Statements Relating to Health Care Matters. According to the Criminal Complaint, Director conspired with two other individuals and submitted false statements relating to health care matters by working together to sell fraudulent transcripts and diplomas that indicate that various individuals completed necessary courses and clinical hours to obtain nursing degrees and coached these unqualified individuals to pass the nursing board exam.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
BUTLER, LUM ERNESTINE: LP53850**

THE BOARD’S INVESTIGATION RE: LPN SCHOOL:

7. On August 5, 2021, a Board Investigator contacted the General Counsel for Clinical Sites A, C and D, requesting information on any agreements with LPN School. On August 5, 2021, the General Counsel responded by email, stating “I searched our contracts database and do not find any contracts with [LPN School]. Additionally, as a skilled nursing facility, I do not believe we would have hosted clinicals for surgical nursing.”
8. On August 6, 2021, a Board Investigator contacted Clinical Site E’S Executive Director by phone. Executive Director stated that Clinical Site E does not offer OB/GYN or pediatric care and that the program offers services to troubled teens, there are no nurses on staff and the program does not offer any medical services.
9. On August 25, 2021, the Board’s staff was notified by email that Clinical Site F “does not have any affiliation or contracts with any nursing institute for any clinical hours.”
10. In a letter dated September 8, 2021, the Board’s staff was notified by Clinical Site B, “we regret to inform you that after searching our records, we were unable to locate any school agreement for clinical rotations with [LPN School].”

DISCUSSION

11. The Respondent submitted a Maryland LPN application with fraudulent information about her LPN School and submitted a fraudulent transcript in support of the application, resulting in the Board issuing an LPN license to the Respondent in March 2018.
12. The Board’s investigation revealed that the clinical sites listed on the Respondent’s LPN school transcript were fraudulent. The Respondent did not meet the Board’s statutory and regulatory requirements, including didactic and clinical training, for LPN licensure by exam in Maryland.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
BUTLER, LUM ERNESTINE: LP53850**

13. The Respondent holds a non-renewed MD LPN license, and there are no barriers preventing the Respondent from renewing her LPN license. The Respondent's practice as an LPN poses a serious risk and danger to the public health, safety, and welfare.

CONCLUSION OF LAW

Based on the foregoing investigative findings and reasons, the Board finds that the public health, safety or welfare imperatively requires emergency action in this case pursuant to Md. Code Ann., State Govt. § 10-226 (c)(2) (2021 Repl. Vol.).

ORDER

It is hereby:

ORDERED that pursuant to the authority vested in the Board of Nursing by Maryland Code Ann., State Govt. § 10-226 (c)(2) (2021 Repl. Vol.), the Licensed Practical Nurse license, license number **LP53850**, of **LUM ERNESTINE BUTLER**, in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that there will be a Show Cause Hearing on **AUGUST 22, 2023, at 2:30 PM** before the Board at the Maryland Board of Nursing offices, 4140 Patterson Avenue, Baltimore, Maryland 21215: and be it further

ORDERED that if, the suspension of the Respondent's license is continued following a Show Cause Hearing, the Respondent has the right to a full evidentiary hearing before the Board and a hearing will be scheduled before the Board if the Respondent submits a written request for an evidentiary hearing to the Board **no later than thirty (30) days from the date of the Board's written decision issued after the Show Cause Hearing**; and be it further

ORDERED that if the Respondent does not submit a timely written request to the Board for an evidentiary hearing within 30 days from the date of the Board's written decision issued after the Show Cause Hearing, the Respondent shall have waived all rights now and in the future to any

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
BUTLER, LUM ERNESTINE: LP53850**

hearing on the merits of the summary suspension of the Respondent’s license and the factual allegations contained in this Order for Summary Suspension; and it is further

ORDERED that this Order for Summary Suspension shall remain in effect and the summary suspension of the Respondent’s license shall continue until further Order of the Board; and it is further

ORDERED that this, “Order for Summary Suspension of Licensed Practical Nurse License” is a **PUBLIC RECORD** pursuant to Md. Code Ann., General Provisions § 4-101 *et seq.* & § 4-333 (2019 Repl. Vol.).

July 31, 2023
Date

Rhonda Scott, JD, BSN, CRNI, SD-CLTC
The Interim Executive Director's Signature
Appears on the Original Document