

IN THE MATTER OF

*

BEFORE THE MARYLAND

*

AUGUSTA UCHENDU

*

BOARD OF NURSING

*

License Number: R223164

*

*

* * * * *

**ORDER FOR SUMMARY SUSPENSION OF REGISTERED 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 Registered Nurse license, license number **R223164**, of **AUGUSTA UCHENDU** (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
UCHENDU, AUGUSTA: R223164**

**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 July 11, 2016, the Respondent was issued a Registered Nurse (“RN”) license in the State of Maryland. The Respondent’s RN license has a status of “Active-Compact” and is due to expire on August 28, 2024.

MARYLAND APPLICATION FOR ENDORSEMENT OF RN LICENSE (“RN APPLICATION”)

2. On or about April 21, 2016, the Respondent submitted an on-line Application for Endorsement of RN License. The Respondent indicated on the RN Application that she graduated on May 17, 2014 from Med-Life Institute - West Palm Beach, Florida, with an Associate Degree and that the Respondent’s state of original licensure by exam was Florida.
3. The Respondent agreed with the following statement: “I affirm that the contents of this document are accurate to the best of my knowledge” and was advised that “providing false or misleading information may result in disciplinary action by the Board and may result in denial of licensure.”

NURSYS²

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.

² A national database provided through the National Council of State Boards of Nursing (NCSBN), for verification of LPN/RN licensure, disciplinary action, and practice privilege.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
UCHENDU, AUGUSTA: R223164**

4. NCLEX³ registration data shows: the Respondent sat for the NCLEX-RN exam on April 13, 2016; education program: Palm Beach School of Nursing, LLC; Applicant made eligible by: Florida.⁴
5. On April 18, 2016, the Respondent was issued a RN license by Exam in Florida, license number RN9431117. NURSIS indicates Med-Life Institute, Inc. as the RN school connected to the Respondent's Florida RN license

MED-LIFE INSTITUTE/PALM BEACH SCHOOL OF NURSING

6. On June 22, 2012, Med-Life Institute was issued a license to operate a RN Education Program by the Commission for Independent Education – Florida Dept. of Education (“CIE”).
7. Med-Life Institute's 2013 – 2014 school catalog provides the following information regarding the Nursing Associate in Science Degree:

This program consists of 92 credit hours distributed as follows: General Education Courses 22.5 hours; Health Science (support) courses 17.5 hours; Core Nursing Courses 52 hours. Of the total core nursing course hours, 58% (30 hours) will be conducted in acute and long-term care facilities (lab settings included) and 42% (22 hours) will be conducted in classrooms. The content includes theoretical instruction and clinical experience in maternity, medical-surgical nursing, community health, OB/GYN, pediatric, psychiatric/mental health and geriatric nursing...

Student must successfully complete each and every course with a “C” or better grade and must pass a Final “Exit Exam” in order to be eligible for graduation.

2013-2014 Academic Calendar:

Term 1: April 1, 2013 – June 28, 2013

Term 2: July 1, 2013 – September 27, 2013

Term 3: September 30, 2013 - December 20, 2013

Term 4: January 6, 2014 – March 21, 2014

³ Licensure examination.

⁴ The information provided via NCLEX department combines personal data, supplied by the applicant to the board on 4/13/2016 during the exam eligibility process, with exam registration data taken.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
UCHENDU, AUGUSTA: R223164**

8. On August 15, 2016, CIE issued a Notice of an Intent to Approve Substantive Change with Conditions, which ordered that the name change from Med-Life Institute to Palm Beach School of Nursing, LLC, is approved.
9. On May 2, 2017, the Florida Board of Nursing (“Florida Board”) issued a Notice of Intent to Terminate Nursing Education Program re: Palm Beach School of Nursing - RN education program and found that (1) Palm Beach School of Nursing, LLC, has not demonstrated adequate progress towards the graduate passage rate goal nor has it met a majority of the benchmarks established in the remediation plan (2) Palm Beach School of Nursing , LLC’s request for an addition [sic] year of probation is denied and the program is TERMINATED.
10. On June 8, 2018, CIE issued a Notice of Intent to Deny Annual License, based on the

following:

The institution [Palm Beach School of Nursing] has been licensed by the Commission since 2012 and was placed on provisional license by order of the Commission executed on August 15, 2016 based on change of ownership and accreditation.

At the time of the Commission meeting [March 27, 2018] Palm Beach had 77 students in a Nursing (AS) program that was winding-down due to termination of its program approval by the Florida Board of Nursing. The Director of Nursing described the program’s operation as a series of month-long courses that were completed via one week of classroom instruction and three weeks of assignments that are completed by students outside the classroom. Clinicals are conducted in the State of Florida.

Palm Beach has failed to demonstrate that it complies with the rules and standards adopted by the Commission, and has failed to demonstrate that it is in substantial compliance with those rules and standards as follows:

....

Palm Beach has failed to provide an adequate education to nursing students to allow those students to pursue a career in nursing.

....

Palm Beach conducts its Nursing (AS) via distance education. Non-traditional education includes programs that utilize distance education. Approval for non-traditional programs, requires submission of additional materials for review by the Commission. Palm Beach has never requested approval for or been approved by the Commission to provide programs using distance education or non-traditional education methods of any sort....

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
UCHENDU, AUGUSTA: R223164**

Palm Beach's request for renewal of its annual licensure and/or extension of its provisional license is denied.

Termination of the program by the Florida Board of Nursing has become agency action and Palm Beach has submitted a train-out agreement....

BACKGROUND:

U.S District Court for the District of Maryland

11. On July 8, 2021, a Criminal Complaint and Affidavit of Criminal Complaints were filed alleging that Johanah Napoleon and other individuals committed (1) Conspiracy to Commit Health Care Fraud (2) Conspiracy to Commit False Statements Relating to Health Care Matters and (3) False Statements Relating to Health Care Matters.
12. The Affidavit alleged that Napoleon and other individuals worked together to sell fraudulent transcripts and diplomas that indicate that various individuals completed necessary courses and clinical hours to obtain nursing degrees and a number of these unqualified individuals subsequently obtained employment at various healthcare providers in the District of Maryland.

U.S District Court – Southern District of Florida

Information:

13. On June 2, 2022, an Information was filed alleging that Johanah Napoleon committed Conspiracy to Commit Mail Fraud and Wire Fraud. Johanah Napoleon was identified as the President of Palm Beach School of Nursing.
14. According to the Information, the Purpose of the Conspiracy was “for the defendant [Johanah Napoleon] and her co-conspirators to unlawfully enrich themselves by, among other things, selling fraudulent nursing diplomas, educational transcripts and other credentials, assisting the purchasers in fraudulently obtaining licensure and ultimately employment in the healthcare field.”

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
UCHENDU, AUGUSTA: R223164**

15. On November 21, 2022, Johanah Napoleon pled guilty to Count 1 of the Indictment.

16. According to the Factual Basis in Support of Plea:

... Palm Beach School of Nursing was licensed by the Florida Board of Nursing as a nursing education program on or about June 22, 2012. Palm Beach School of Nursing's license was terminated on or about May 2, 2017, due to the low passage rate of its graduates.

Defendant Johanah Napoleon was a resident of West Palm Beach County, Florida, and the President of Palm Beach School of Nursing.

....

Beginning in or around 2018, Johanah Napoleon, [Individual 1] and [Individual 2] sold false and fraudulent diplomas and educational transcripts which falsely represented that the purchasers of the documents had completed the necessary courses and/or clinical training to obtain nursing degrees when, in fact, the purchasers had never completed the necessary courses and/or clinical training.

[Individual 1], who resided in Maryland, targeted prospective purchasers, and told them that he could help them obtain nursing degrees and licenses. [Individual 1] stated that he was affiliated with Palm Beach School of Nursing, which he explained was a nursing school in Florida, and purchasers would receive degrees from Palm Beach School of Nursing. [Individual 1] generally charged \$17,000 for RN degrees and \$10,000 for LPN degrees.

As a part of the scheme, [Individual 1] directed purchasers to complete certain forms, including an application for Palm Beach School of Nursing. [Individual 1] instructed purchasers not to complete the dates on the application forms because the dates would be added in Florida and back-dated to make it appear as though the student had been part of a previous graduating class – a class that graduated in or before December 2019, which was the date of the last graduating class of the Palm Beach School of Nursing.

....

Johanah Napoleon and [others] then added false and incorrect dates to these fraudulent application forms. Napoleon and [others] also created false and fraudulent diplomas and educational transcripts, all of which falsely represented that the purchasers of the documents had completed the necessary courses and/or clinical training to obtain nursing degrees (collectively, the false and fraudulent documents).

....

Using the false and fraudulent documents, including continuing education certifications, Johanah Napoleon and [others] assisted the purchasers of the false and fraudulent documents to obtain fraudulent nursing licenses from state licensing agencies, and ultimately employment in the healthcare field.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
UCHENDU, AUGUSTA: R223164**

**THE RESPONDENT'S RESPONSE TO THE BOARD'S REQUEST FOR
INFORMATION**

17. On or about March 17, 2023, the Respondent, through her attorney, submitted a response to the Board's request for information, including responses to a questionnaire. The Respondent's response includes the following:

Q: what is the name of the nursing education program from which you received a diploma or degree?

A: [College] (LPN-RN Transition) – not completed.
Med-Life Institution School of Nursing – completed RN.
[University] – BSN.

Q: what is the date you enrolled in your nursing education program?

A: [College] – January 2013 - August 2013.
Med-Life Institution College of Nursing September 2013 - May 2014.
[University] October 2018 – June 2020.

Q: what state did you reside in while attending the nursing education program?

A: I resided in Maryland attend classes in New York every Saturday from 9 am – 5 pm for Med-Life Institute College of Nursing. The classes held once a week on Saturday 9am – 5 pm at Jamaica Ave Queens in New York.

Q: did you attend any clinicals in person as part of your nursing education program(s)?

A: Yes

Q: please list all of the courses for which you received clinical experience.

A: Fundamentals of Nursing – [College]; Adult health nursing (med-surg 1) – [College];
Psychiatric Nursing – [College].

Q: please provide the dates that you completed your clinical experience(s).

A: I don't remember the exact dates. All clinicals was [sic] taken in 2013.

The Respondent submitted an Official Transcript from [College] which includes the following information:

Program: LPN to RN Transition Program

Enrollment date: March 16, 2013

Status: Withdrawn Oct. 25, 2013 – Has not met program requirements for graduation.

Nursing Courses include:

Adult Health /Medical-Surgical Nursing I – earned credit: 6.5, 0 clinical hours.

Psychiatric Mental Health Nursing – earned credits: 0.

Clinical practicum: Mental Health Nursing – earned credit: 1, clinical hours: 48.00.

Adult Health/Medical-Surgical Nursing II – earned credit: 6.50, clinical hours: 0.

The Respondent submitted an Official Transcript from Med-Life Institute School of Nursing, which includes the following:

Date Attended Program Course: 05/2013 – 5/2014.

Completion date: 5/16/2014

Campus: West Palm Beach, Florida

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
UCHENDU, AUGUSTA: R223164**

Nursing Course Title (includes): Psychiatric Nursing – grade 90; Psychiatric Nursing Practicum – grade P; Maternal and Newborn Nursing – grade 88; Maternal and Newborn Nursing Practicum (lab 1 hour: clinical 4 hours) – grade P; Pediatric Nursing – grade 86; Pediatric Nursing Practicum (lab 1 hour: clinical 4 hours) – grade P; Adult Nursing I – grade: 87; Adult Nursing I Practicum (lab 1 hour, clinical 4 hours) – grade P; Adult Nursing II – grade 85; Adult Nursing II Practicum (clinical: 5 hours) – grade P; Advanced Nursing Skills (clinical: 5 hours) – grade P.⁵

The Respondent submitted an Official Transcript from [University], which includes the following:

Program: Bachelor of Science in Nursing

Date Awarded: 6/7/2020

Status: Graduated

Elective transfer: Transferred from Med-Life Institute – Naples: 24.0 credits.

The Respondent submitted a Resume which indicates that she has been employed as a RN at several health care facilities in Maryland, including a VA facility.

DEPT. OF VETERANS AFFIARS – OFFICE OF INSPECTOR GENERAL

18. According to the transcript of a voluntary interview conducted on February 10, 2022 by

OIG special agents, the Respondent provided the following information:

- i. She worked at the VA as an RN for one year.
- ii. She was an LPN before she “went for her RN.”
- iii. She started at [College] and then left and went to a school in Florida – Med-Life.
- iv. “The clinical we did it in New York. It’s like a simulation lab. We did it in the lab.” “we’re there all day for Saturday to do the class and the clinical work.” “Everything we did, we did it in New York.”
- v. “I went to Florida one time maybe to finish up the process there.”
- vi. The program at Med-Life lasted for 15 months. “It’s not a one-year program. I didn’t go there for one year. It was more than one year.”

DISCUSSION

19. The Respondent submitted registration information to NCLEX and information on her RN Application to the Board, indicating that she received her basic nursing education from Med-Life Institute – West Palm Beach/Palm Beach School of Nursing and that she graduated in May 2014.

⁵ The transcript does not indicate these courses were transfer credits.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
UCHENDU, AUGUSTA: R223164**

20. In her written response to the Board, the Respondent did not provide any information about clinicals completed at Med-Life. During her interview with OIG, the Respondent stated that she completed Med-Life courses and clinicals at a location in New York on Saturdays and that clinicals were taught in a simulation lab.
21. The Med-Life transcript indicates that the associate degree in nursing was a one-year program but in her OIG interview, the Respondent reported the program lasted 15 months.
22. The Respondent does not meet the Board's statutory and regulatory requirements for RN licensure in Maryland.
23. The Respondent holds an active, compact RN license and the Respondent's ability and opportunity to practice as an RN in the State of Maryland and/or any compact state on a fraudulently obtained RN license, 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 Registered Nurse license, license number **R223164**, of **AUGUSTA UCHENDU**, in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and be it further

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
UCHENDU, AUGUSTA: R223164**

ORDERED that there will be a Show Cause Hearing on **JULY 25, 2023, at 11:00 AM** 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 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 Registered Nurse License” is a **PUBLIC RECORD** pursuant to Md. Code Ann., General Provisions § 4-101 *et seq.* & § 4-333 (2019 Repl. Vol.).

July 7, 2023
Date

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