

IN THE MATTER OF	*	BEFORE THE MARYLAND
	*	
LAKESSHA SHAWTA WASHINGTON	*	BOARD OF NURSING
	*	
License Number: R181354	*	OAG CASE No. 21-BP-046
	*	

* * * * *

**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 license of **LAKESSHA SHAWTA WASHINGTON** (the “Respondent”), License Number **R181354**, to practice registered nursing in the State of Maryland. The Board takes this action pursuant to the authority of Md. Code Ann., State Gov’t § 10-226(c)(2) (2021 Repl. Vol.), which provides:

- (2) 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.

On February 23, 2022, a pre-deprivation show cause hearing was held before the Board to give the Respondent an opportunity to present oral argument as to why the Board should not summarily suspend the Respondent’s license to practice registered nursing. The Respondent was present at the Show Cause Hearing via teleconference. The Administrative Prosecutor-Assistant Attorney General, was present at the Show Cause hearing on behalf of the State.

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

Based on investigatory information obtained by, received by and made known to and

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
WASHINGTON, Lakessha, R181354**

available to the Board, the Board has reason to believe that the following facts are true:¹

1. On April 11, 2008, the Respondent was issued a license to practice as a registered nurse (“RN”) in the State of Maryland. The Respondent’s RN license currently has a status of “Non-renewed” having expired on April 28, 2020.²

COMPLAINT

2. On February 9, 2021, the Board received a complaint regarding the Respondent’s practice from the Nurse Executive at a facility that provides short term rehabilitative and long-term care (“Facility”)³ located in Waldorf, Maryland.
3. The Complaint stated in part:

[Facility] noted employee Lakessha Washington, RN signed out multiple narcotics from the narcotic book during the 7-3pm shift on 1/30/21. Review of the narcotic book indicated an increase of narcotics being signed out on some of the residents with PRN narcotics ordered . . . One alert and oriented x3 resident (Resident A) was noted to have 2 doses of Noroc [*sic*] 5/325mg⁴ removed from the narcotic book on 1/30/21 @ 7am and 3pm. Resident has not taken this medication since September 2020. Unit manager spoke with [Resident A]. Resident [A] stated, “the last time I asked for pain medication [w]as when my shoulder hurt after the covid vaccine. I am not in any pain now and wasn’t in any this weekend. Normally they just give me Tylenol anyway.” . . . Review of MARs show no documentation of narcotics signed

¹ The 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 The Respondent’s license was scheduled to expire on April 28, 2020. Effective March 12, 2020, due to the state of emergency and catastrophic health emergency, the Governor of the State of Maryland issued an Executive Order extending the expiration date of all licenses that would otherwise expire during the state of emergency until the 30th day after the state of emergency is terminated and the catastrophic health emergency is rescinded. On June 15, 2021, the Governor issued a final Executive Order that extended the expiration date until August 15, 2021, of all licenses, permits, registrations, and other authorizations issued by the Board of Nursing that would have otherwise expired prior to August 15, 2021, during the state of emergency and catastrophic health emergency. Since the Respondent did not renew her RN license before August 15, 2021, the license went into non-renewed status.

³ For confidentiality and privacy purposes, the names of individuals and health care facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals and health care facilities referenced in this document by contacting the administrative prosecutor.

⁴ Norco 5/325 (hydrocodone acetaminophen and bitartrate) is an opioid analgesic and antitussive (cough suppressant) combined with a fever reducer and pain reliever and used to treat moderate to severe pain. It is a Schedule III Controlled Dangerous Substance (“CDS”).

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
WASHINGTON, Lakessha, R181354**

out of the narcotic book being documented on the MAR as administered. This was noted for 7 residents on 1/30/21 under Lakessha's case . . . Facility ran a PRN medication audit report which shows employee has signed out PRN narc meds on PRN MAR. Employee received eMAR training on 10/14/20. Employee also received annual evaluation on 11/18/20. Under category "Dispenses medication and performs treatments as requested and in accordance with [Center] policies and procedures", Employee was rated "partially meets" with supervisor comment of "needs to ensure all medications and treatments are administered as ordered and documented on MAR/TAR. Facility is unable to determine if PRN narcotics removed from the narcotic book were administered to the residents. Facility suspects possible drug narcotic diversion. Facility requested Employee to take an in-facility drug test, Employee refused. Employee was terminated on 2/5/21.

4. The Facility provided the Board with their investigative file including written statements from the two (2) alert and oriented residents interviewed; written statements from staff who were also on duty during the Respondent's shift on January 30, 2021; training records; the Respondent's most recent Performance Appraisal; and copies of the narcotic book, MAR, and cover sheet for all seven (7) residents under the Respondent's care on January 30, 2021.

SAFE PRACTICE PROGRAM

5. On or about May 4, 2021, the Respondent submitted an application (the "Application") for enrollment in the Board's Safe Practice Program (the "Program"). On the Application, the Respondent indicated that she had been

referred to pain management [in] 2016 for sciatica and given oxycodone 10mg BID. This progressed to buying oxycodone on the street that ultimately reached oxycodone 20mg 10-15 pills daily. About 3-4 months prior to treatment (Detox: August 20, 2020 – September 19, 2020) I abuse[d] heorin [*sic*] which I found out in treatment it was fentanyl. I would use daily inhaling it."

6. On May 4, 2021, the Respondent signed a copy of the Maryland Board of Nursing Safe Practice Committee - Notice and Agreement Rights and Responsibilities of Program

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
WASHINGTON, Lakessha, R181354**

Participants - Consequences of Non-Compliance, wherein the Respondent acknowledged that she understood the requirements of the Program and her responsibilities.

7. On May 13, 2021, the Respondent entered into an Agreement with the Program. The Agreement was to remain in effect for five years, after which time the Respondent could petition for removal of all conditions.

8. As part of the Agreement, the Respondent agreed to:

....

9. Within two weeks of signing this agreement, the treatment program/treatment provider shall submit in writing to the Committee verification that they have reviewed this agreement. I am responsible for returning the verification to the Committee;

....

13. I shall attend a minimum of two support group meetings (such as AA, NA, Celebrate Recovery) weekly and secure a sponsor within 1 month of signing this agreement. I will submit signed attendance sheets to the Committee monthly;

....

15. I shall arrange for and submit to **random monthly toxicology screens**, at any time, of urine, breathe, hair, nail, or blood, through any entity selected by the Safe Practice Committee (**currently FSSOLUTIONS**). I shall register with the identified provider **within 7 days** from the date of this agreement. These screens shall be not less than twice monthly, and can be up to **36-40 times per year**. My employer, treatment program/treatment provider, or the Committee may request a random toxicology screen at any time. I understand that any screening results/reports from employers and/or treatment providers do not replace or substitute my required tests for the Board of Nursing. Any positive drug screens/breathalyzer shall be reported to the Committee and will be considered a violation of this agreement. I **understand that toxicology screens must continue until I am formally discharged from the Program, in writing**;

....

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
WASHINGTON, Lakessha, R181354**

17. I shall provide the Committee with **written (quarterly) progress reports** evaluating my progress towards rehabilitation and elaborating on my recovery program. *These reports are required to be submitted, even if I am not working at all or not working in the nursing field;*

18. I shall arrange for my **employer and treatment provider**, including all prescribing physicians to provide **written (quarterly) progress reports** regarding my compliance and progress towards rehabilitation. It is my responsibility to notify all employers and providers when these reports are due. These reports must address my compliance, progress toward rehabilitation, and work performance. These reports are to be submitted even though I may not be working in the field of nursing;

....

24. I understand that non-compliance with this agreement shall be grounds for Program expulsion and may result in the immediate suspension of my license to practice nursing. Should I be expelled from that Program, I understand that a formal investigative report, along with all Safe Practice Program records, will be forwarded to the Board of Nursing for consideration and decision regarding charges and potential disciplinary action.

25. This agreement shall remain **in effect for a minimum of five (5) years**. After **five (5) years** from the date this agreement is executed, I may petition for termination of the agreement, provided that I have fully complied with all of the conditions of the agreement and have been employed as an RN and practicing safely for a minimum of nine (9) months preceding the petition. I shall submit the petition for termination of this agreement in writing to the Safe Practice Committee at 4140 Patterson Avenue, Baltimore, Maryland 21215, or by departmental email[.] [Emphasis in original document]

10. By letter dated May 14, 2021, the Respondent was provided with an executed copy of the Agreement and reminded that it was her responsibility to be sure that all written reports were submitted by all the parties specified in the Agreement. Her first quarterly reports were due June 1, 2021, and every three months thereafter.

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
WASHINGTON, Lakessha, R181354**

11. On August 19, 2021, the Safe Practice Committee conducted a record review to assess the

Respondent's compliance with the Agreement and found:

- The Respondent failed to have her treatment provider submit in writing that they had reviewed the Agreement – in violation of condition 9.
- The Respondent failed to submit signed support group attendance sheets to the Committee – a task she was to complete monthly – in violation of condition 13.
- The Respondent failed to register with FSSolutions - a task she was supposed to complete within seven (7) days from the date of the Agreement – in violation of condition 15.
- The Respondent failed to submit written quarterly reports evaluating her progress towards rehabilitation – in violation of condition 17.
- The Respondent failed to have her treatment provider, and/or employer, and/or prescribing physician submit written quarterly reports evaluating her progress towards rehabilitation, compliance, and work performance – in violation of condition 18.

12. By letter dated August 19, 2021, the Program notified the Respondent that she had been expelled from the Program due to non-compliance with the May 13, 2021 Agreement.

Summary

13. In February 2021, the Respondent's employer submitted a complaint to the Board alleging practice issues and possible narcotic diversion. In May 2021, the Respondent admitted to a recent history of narcotic addiction. Based on the complaint and admission of having an addiction, she was invited to participate in the Board's Safe Practice Program. On May 13, 2021, the Respondent entered into a five (5) year Agreement with the Safe Practice Program. However, after signing the Agreement, the Respondent failed to comply with any of the conditions and in August 2021 was expelled from the Safe Practice Program for complete non-compliance. While the Respondent has allowed her RN license to lapse,

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
WASHINGTON, Lakessha, R181354**

there is nothing preventing her from renewing her Maryland RN license and obtaining employment. As she was expelled from the Safe Practice Program, she is no longer being monitored and as such she 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.) that the license of **LAKESSHA SHAWTA WASHINGTON** to practice as a registered nurse (**R181354**) in the State of Maryland, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that if the Respondent's license is suspended following a Show Cause Hearing, the Respondent has the right to an evidentiary hearing before the Board on the merits of the summary suspension, and an evidentiary 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 this Order for Summary Suspension**; 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 of the date of this Order, the Respondent shall have waived all rights now and in the future to any hearing on the merits of the summary suspension of

**ORDER FOR SUMMARY SUSPENSION PURSUANT TO § 10-226(c)(2) OF THE
STATE GOVERNMENT ARTICLE
WASHINGTON, Lakessha, R181354**

the Respondent's license; and the factual allegations contained in the 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).

February 23, 2022
Date

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