

IN THE MATTER OF

*

BEFORE THE MARYLAND

SHELLEY DORRAINE JOHNSON

*

BOARD OF NURSING

LICENSE NO.: R238442

*

* * * * *

**DEFAULT FINAL DECISION AND ORDER OF SUSPENSION
OF REGISTERED NURSE LICENSE**

On September 28, 2021, the Maryland Board of Nursing (the “Board”) issued a charging document¹ (the “Charges”) to **SHELLEY DORRAINE JOHNSON**, registered nurse (“RN”), license number **R238442**, (the “Respondent”), alleging that the Respondent violated the Maryland Nurse Practice Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ.”) §§ 8-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.), specifically § 8-316(a)(3) [predicated on § 8-316(a)(8) and (30)], and § 8-316(a)(28).

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 § 8-316(a) and (b) of the Health Occupations Article, Md. Code Ann., State Gov’t §§ 10-210(4) and 10-221 (2014 Repl. Vol.), and Code of Maryland Regulations (“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

¹ The Board’s Charging Document consisted of a three-page letter and a three-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.

JOHNSON, Shelley Dorraine (R238442)

Default Final Decision and Order of Suspension of Registered Nurse License

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 addresses. The Board finds that the Charges were properly issued and that due and proper notice was given to the Respondent in accordance with § 8-317(c) 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 § 8-317(e) of the Health Occupations Article and § 10-210(4) of the State Government Article.

FINDINGS OF FACT

The Board adopts allegations of fact numbered 1-4 on pages 2-3 of the attached Charges as Findings of Fact.

CONCLUSIONS OF LAW

Accordingly, the Board concludes that the Respondent has violated § 8-316(a) of the Health Occupations Article:

- (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*,

§ 8-316 (a):

- (8) Does an act that is inconsistent with generally accepted professional standards in the practice of registered nursing or licensed practical nursing;
- (30) Violates regulations adopted by the Board or an order from the Board;

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Default Final Decision and Order of Suspension of Registered Nurse License

- (28) When holding an expired license or a lapsed license or after a temporary license has expired in accordance with § 8-315(c) of this subtitle, 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 C of the Board's sanctioning guidelines. *See* COMAR 10.27.26.07C. The range of potential sanctions under category C includes reprimand to revocation, and/or monetary penalty of \$1,000 to \$5,000. *Id.*

ORDER

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

ORDERED that the license of the Respondent to practice as a registered nurse in the State of Maryland, license number R238442, 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 license to practice as a registered nurse 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

JOHNSON, Shelley Dorraine (R238442)
Default Final Decision and Order of Suspension of Registered Nurse License

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under § 8-316(a) 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 § 8-318(b) 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

September 28, 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
Shelley Johnson, R238442**

Dear Ms. Johnson:

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 § 8-316(a) and (b) of the Health Occupations Article, the Board may reprimand any licensee, place any licensee on probation, suspend or revoke the license of a licensee, and/or impose a monetary penalty if the Board finds that the licensee has violated any of the disciplinary grounds set forth in Health Occ. § 8-316(a)(1)-(36).

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 license, 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 § 8-317 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 license.

TO REQUEST A HEARING:

If you wish to schedule a hearing, please submit a written request for hearing to the

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
Shelley Johnson, R238442**

Board within 30 days of the date of this letter, by mail, fax or email, to:

**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.*, § 8-317 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 § 8-317 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 §§ 8-316(a) and 8-317 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) cited in the Charges, the Board may take disciplinary action against your license by issuing a **public** Final Decision and Order, which will include findings of fact, conclusions of law, and a disciplinary sanction against your license, 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 and § 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 license, which may include reprimand, probation, suspension, revocation and/or a monetary penalty.

**NOTICE OF AGENCY ACTION: Charges Under the Nurse Practice Act
Shelley Johnson, R238442**

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 § 8-316(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 § 8-316(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 license, which may include reprimand, probation, suspension, revocation and/or a monetary penalty.

Any decision made by the Board regarding the Charges could affect your license to practice as a registered nurse 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

Encls.: 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

SHELLEY JOHNSON

* BOARD OF NURSING

License No.: R238442

* OAG Case No.: 21-BP-040

* * * * *

CHARGES UNDER THE MARYLAND NURSE PRACTICE ACT

The Maryland Board of Nursing (the “Maryland Board”) hereby charges the license of **Shelley Johnson**, (the “Respondent”), Registered Nurse License Number **R238442**, 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:

§ 8-316 (a) *In general.* – Subject to the hearing provisions of § 8-317 of this subtitle, the Board may . . . reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the . . . licensee:

- (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*,
§ 8-316 (a):
 - (8) Does an act that is inconsistent with generally accepted professional standards in the practice of registered nursing or licensed practical nursing;
 - (30) Violates regulations adopted by the Board or an order from the Board;
- (28) When holding an expired license or a lapsed license or after a temporary license has expired in accordance with § 8-315(c) of this subtitle, 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 June 4, 2019, the Respondent was issued a license to practice as a registered nurse (“RN”) in the State of Maryland, license number R238442. The Respondent's license has an expiration date of February 28, 2020. The Compact² status of the Respondent's Maryland RN license is “Single State.” According to the Maryland Board's MyLicense Office (“MYLO”) database, the Respondent's current address is in the State of Alaska.³
2. According to NURSYS,⁴ the Respondent holds RN licenses in Alaska,⁵ Colorado, Missouri, Nevada (expired), and Utah (expired).

Discipline by the Colorado Board of Nursing

3. On or about February 15, 2021, the Colorado Board of Nursing issued an Order of Suspension from the Practice of Nursing, Pursuant to Section 12-255-119(8)(a), C.R.S.

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.

² The Nurse Licensure Compact (“NLC”) is an agreement between Boards of Nursing of party states that allows nurses to have one Multistate nursing license with the ability to practice nursing in both their home state and other party states. In accordance with the Nurse Licensure Compact, Md. Code Ann., Health Occ. § 8-7A-01.3(h) and § 8-7A-01.3(m) respectively, “Home state” means the party state that is the nurse's primary state of residence and, “Party state” means any state that has adopted this Compact.

³ The information cited in paragraph 1 in this document regarding the Respondent's current address, expiration date, and Compact Status of the Maryland RN license was obtained on September 27, 2021, from the Maryland Board's MYLO database and the NURSYS database.

⁴ NURSYS is a national database for verification of nurse licensure, discipline and practice privileges for participating jurisdictions, including all states in the NLC.

⁵ On or about September 14, 2020, the Respondent signed a Surrender of License with the understanding that the Alaska Board of Nursing was investigating her for allegations of unprofessional conduct and failing to use sufficient knowledge, skills or nursing judgment in the practice of nursing. The Alaska Board of Nursing approved and adopted the Surrender of License on November 5, 2020.

Suspension from the Practice of Nursing, Pursuant to Section 12-255-119(8)(a), C.R.S. (“Suspension Order”) which suspended the Respondent’s license to practice as a registered nurse after the Colorado Board of Nursing determined that it had reasonable cause to believe that the Respondent is unable to practice nursing with reasonable skill and safety to patients due to a condition, and then the Respondent failed to comply with an order⁶ by the Colorado Board of Nursing to submit to a mental and/or physical examination to determine if the Respondent is able to practice nursing with reasonable skill and safety to patients.

Discipline by the Missouri Board of Nursing

4. On or about May 25, 2021, the Respondent entered into a Settlement Agreement with the Missouri Board of Nursing, in which the Respondent voluntarily surrendered her Missouri nursing license. The Settlement Agreement was based on the Colorado discipline.

NOTICE OF POSSIBLE SANCTIONS

If the Board finds that there are grounds for action pursuant to Md. Code Ann., Health Occ. § 8-316(a)(3) and/or (28), the Board may impose disciplinary sanctions against the Respondent’s license, pursuant to COMAR 10.27.26, including reprimand, probation, suspension, revocation, and/or the imposition of a monetary penalty.

September 28, 2021
Date

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

⁶ The Colorado Board of Nursing issued an order on January 21, 2021 requiring the Respondent to submit to a mental and/or physical examination conducted by Peer Assistance Services and to contact and schedule an examination within three calendar days of the January 21, 2021 order.