

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF NURSING**

**Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs**

Case No.: 22-51- [REDACTED]

v.

[REDACTED], L.P.N.
Respondent

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and [REDACTED], LPN ("Respondent") stipulate as follows in settlement of the above-captioned case.

APPLICABLE LAW

1. This matter is before the State Board of Nursing ("Board") pursuant to the Practical Nurse Law, act of March 2, 1956, P.L. (1955) 1211, ("Act"), *as amended*, 63 P.S. §§ 651-667.8; and/or the Act of July 1, 2020, P.L. 575, No. 53 ("Act 53"), 63 Pa.C.S. §§ 3101-3118.

LICENSURE STATUS

2. At all relevant and material times, Respondent held the following license to practice as a practical nurse in the Commonwealth of Pennsylvania: license no. [REDACTED], which was originally issued on March 29, 2019 and expires on June 30, 2026.

STIPULATED FACTS

3. The Respondent admits that the following allegations are true:

a. Absent further Board action, Respondent's license may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the applicable fees.

b. Respondent's last known address on file with the Board is [REDACTED]

c. On December 17, 2018, Respondent submitted an application to the Pennsylvania State Board of Nursing ("Board") to obtain her practical nursing license.

d. Respondent's application for licensure indicated that she was an out of state graduate who had attended Sunshine Academy based out of Florida.

e. Per the transcript provided by Respondent, Respondent graduated with a Practical Nursing Diploma on March 27, 2018 from Sunshine Academy.

f. On or about November 21, 2022, Johanah Napoleon, the owner of the Quisqueya Health Care Academy (formerly known as Sunshine Academy), entered a guilty plea to one (1) count of conspiracy to commit healthcare fraud and wire fraud in violation of Title 18, United States Code, Section 1349.

g. In addition, Napoleon created a list, which was attested to under penalty of perjury, of students who did not complete the required program hours and clinical training necessary to obtain a ~~nursing associate degree in science~~ ^{practical nursing diploma}. *RH*

h. Respondent's name appears on the list generated by Napoleon as an individual who did not complete the requisite program hours and training to obtain ~~an associate degree in nursing~~ ^{a practical nursing diploma}. *RH*

i. In lieu of further proceedings, Respondent has agreed to enter into this Consent Agreement.

j. This action inactivates license no. [REDACTED] and immediately removes Respondent from the practice of practical nursing in the Commonwealth of Pennsylvania. Inactivating the license protects the public from potential harm to the health and safety of the citizens of the Commonwealth of Pennsylvania.

k. Further, Respondent may not be considered for any future licensure as a practical and/or registered nurse until such time as Respondent has completed a Board-approved nursing program and been assessed by the Board to meet the qualifications for licensure as outlined in section 5 of the Practical Nurse Law and/or section 6 of the Professional Nursing Law, further ensuring public health and safety of the citizens of the Commonwealth.

MITIGATION

4. The Respondent avers the following in mitigation of any sanction, which the Commonwealth neither admits nor denies:

a. Respondent attended the school after assurances the school was properly accredited and complied with all class teaching schedules, training programs, and clinic programs as designated by the school administrators at the time. Respondent did not know, and was unaware, that the program did not meet the required program hours and clinical training necessary to obtain a nursing associate degree in science consistent with the Pennsylvania regulations.

AUTHORITY OF THE BOARD

5. The Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 16(a) of the Act, 63 P.S. § 666(a); or impose a civil penalty under section 15(b) of

the Act, 63 P.S. § 665(b), and/or 63 Pa.C.S. § 3108(b)(4); and/or impose the costs of investigation under 63 Pa.C.S. § 3108(b)(5).; and/or cancel Respondent's license under 71 P.S. § 279.2.

SUMMARY OF DISCIPLINE

6. The following encapsulates the discipline as set forth in the Proposed Order:

- Respondent's practical nurse license shall be suspended for a period of two (2) years in the Commonwealth of Pennsylvania, such suspension to be immediately stayed in favor of two (2) years of probation.
- As part of this agreement, Respondent's practical nurse license shall be inactivated upon acceptance of this agreement by the Board and shall not be eligible for reactivation. Respondent's license will remain on probation until such time as she demonstrates completion of a Board-approved practical and/or registered nursing program or has completed two years of probation.
- Upon completion of a Board-approved practical and/or registered nursing program, Respondent shall enter into a non-disciplinary agreement to cancel her practical nurse license; Respondent waives the right to a hearing on the cancellation of her practical nurse license pursuant to 71 P.S. § 279.2.
- Should Respondent fail to complete a Board-approved practical and/or registered nursing program within the two years of probation, Respondent's practical nurse license shall be automatically cancelled by the Board; Respondent waives her right to a hearing on the automatic cancellation of her practical nurse license pursuant to 71 P.S. § 279.2.
- Should Respondent choose to reapply for a new practical nurse license or apply for a registered nurse license, Respondent shall be subject to all administrative requirements for initial licensure by the Board.
- Upon application by the Respondent, should the Board grant Respondent a practical nurse license, Respondent shall be re-issued license no. [REDACTED].
- Once the Board has determined Respondent otherwise meets the qualifications for licensure, the Board shall assist Respondent in obtaining the necessary authorizations to sit for the examination to receive a license to practice as a practical and/or registered nurse in the Commonwealth of Pennsylvania.

PROPOSED ORDER

7. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. The Board finds that it is authorized to suspend, revoke, or otherwise restrict Respondent's license under section 16(a) of the Act, 63 P.S. § 666(a); or impose a civil penalty under section 15(b) of the Act, 63 P.S. § 665(b), or 63 Pa.C.S. § 3108(b)(4); and/or impose the costs of investigation under 63 Pa.C.S. § 3108(b)(5); and/or cancel Respondent's practical nurse license under 71 P.S. § 279.2 because Respondent violated the Act at section 16(a)(10), 63 P.S. § 666(a)(10), in that Respondent has acted in such a manner as to present an immediate and clear danger to the public health or safety.

b. For the purposes of this Agreement and Order, the terms "*practice*", "*practice of the profession*" and "*practice the profession*" shall include any and all activities requiring a license, registration, certificate, approval, authorization, or permit from the Board to perform. It also includes attendance at any educational program/course that requires a current license to practice the profession.

c. This Order constitutes disciplinary action by the Board and shall be reported to other licensing authorities and any applicable national licensing databank as a disciplinary action by the Board.

d. Respondent's license, No. [REDACTED] held by Respondent at the time this Agreement is adopted by the Board, shall be **SUSPENDED FOR A PERIOD OF TWO (2) YEARS**, such suspension to be immediately **STAYED** in favor of **TWO (2) YEARS OF PROBATION**, subject to the following terms and conditions:

GENERAL

(1) As of the date of the acceptance of this agreement by the Board, Respondent's license to practice as a practical

nurse in the Commonwealth of Pennsylvania, license number [REDACTED], shall be inactivated pursuant to attached

Exhibit A.

(2) Respondent shall not seek to reactivate Respondent's license to practice as a practical nurse issued by the Pennsylvania Board without the practical nurse license first being cancelled and Respondent submitting a new application for licensure. Any other attempts by Respondent to reactivate Respondent's practical nurse license shall be considered a violation under Paragraph 7(e), Violation of Probation, (Page 8) of this Agreement.

(3) Should Respondent practice practical nursing in the Commonwealth of Pennsylvania while her license is inactive, such practice shall be a violation of this Consent Agreement and may preclude Respondent from being granted a future practical and/or registered nurse license by this Board.

(4) Respondent shall abide by and obey all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions and all rules and regulations and laws pertaining to the practice of the profession in this Commonwealth or any other state or jurisdiction in which Respondent holds an authorization to practice the

profession. Summary traffic violations shall not constitute a violation of this Agreement; however, a violation of any conditions of a criminal probation and/or parole is a violation of this Agreement.

(5) Respondent shall at all times cooperate and comply with the Board and its agents and employees in the monitoring, supervision and investigation of Respondent's compliance with the terms and conditions of this Agreement. Respondent shall cooperate and comply with any requests for written reports, records or verifications of actions that may be required by the Agreement; the requested shall be obtained and submitted at Respondent's expense.

(6) Respondent's failure to fully cooperate and comply with the Board or the Department of State's Bureau of Enforcement and Investigation (BEI) shall be deemed a violation of this Agreement.

(7) Respondent shall notify the Board in writing within five (5) days of the filing of any criminal charges against Respondent; the final disposition of any criminal charges against Respondent; the violation of any terms and conditions of a criminal probation or parole; the initiation of any legal action pertaining to Respondent's practice of the profession; the initiation of charges, action, restriction or

limitation related to Respondent's practice of the profession by a professional licensing authority of any state or jurisdiction or the Drug Enforcement Agency of the United States Department of Justice; or any investigation, action, restriction or limitation related to Respondent's privileges to practice the profession at any health care facility. The Board's address is:

Attn: Board Administrator
Pennsylvania State Board of Nursing
P.O. Box 2649
Harrisburg, PA 17105-2649

(8) Respondent shall notify the Board in writing within five (5) days of any change of Respondent's home address.

(9) Respondent is eligible for early termination of probation upon the Board granting cancellation of Respondent's practical nurse license as outlined in Paragraphs 7(g) through 7(k), Cancellation of License, (Starting at Page 12) of this Agreement.

VIOLATION(S) OF PROBATION

e. Notification of a violation of the terms or conditions of this Consent Agreement and Order shall result in the **IMMEDIATE VACATING** of the stay order, **TERMINATION** of the period of probation, and **ACTIVATION** of an indefinite period of suspension of Respondent's authorizations to practice as a practical nurse in the Commonwealth of Pennsylvania as follows:

(1) The prosecuting attorney for the Commonwealth shall file with the Board a Petition which alleges that Respondent has violated any terms or conditions of this Consent Agreement and Order;

(2) Upon a probable cause determination that Respondent has violated any of the terms or conditions of this Consent Agreement and Order, the Board shall, without holding a formal hearing, issue a preliminary order vacating the stay of the suspension in this matter, terminating the period of probation and activating an indefinite period of suspension of Respondent's authorizations to practice as a practical nurse;

(3) Notification of the Board's Preliminary Order shall be mailed to Respondent within three (3) days of its issuance by certified mail and first-class mail postage prepaid, sent to the last registered address on file with the Board. If service by mail is unsuccessful, the Commonwealth is authorized to attempt service by personal service and/or publication of legal notice in a newspaper of general circulation in the county of Respondent's last known address.

(4) Within twenty (20) days of mailing of the notification of the Board's action, Respondent may answer

the Commonwealth's Petition and request that a formal hearing be convened concerning Respondent's alleged violation of probation, in which Respondent may seek relief from the Preliminary Order activating the suspension. **The answer shall be set forth in numbered paragraphs corresponding to the numbered paragraphs of the Petition. Respondent shall admit or deny each of the allegations set forth in the paragraphs in the Petition.**

Respondent shall mail the original answer and request for hearing, and all other pleadings to

Office of Prothonotary Bureau of Professional and Occupational Affairs 2400 Thea Drive, Suite 201 Harrisburg, PA 17110

(5) Respondent shall send a copy of the answer, request for hearing, and all subsequent filings in the matter to the prosecuting attorney for the Commonwealth;

(6) If a request for a formal hearing is received from Respondent, the Board shall convene a formal hearing within forty-five (45) days from the date of the Board's receipt of Respondent's request for a formal hearing;

(7) If Respondent files an answer and request for a hearing within the twenty (20) day period, the Preliminary Order activating the suspension shall remain in effect unless

and until the Board issues a determination favorable to Respondent after holding the formal hearing;

(8) The facts and averments in paragraphs 2 through 3 of this Consent Agreement and Order shall be deemed admitted and uncontested for purposes of the hearing;

(9) If the Board after such hearing makes a determination adverse to Respondent, the Board will issue a Final Order activating the suspension of Respondent's license and imposing any additional disciplinary measures it deems appropriate;

(10) If a request for a formal hearing is not received from Respondent within the prescribed twenty (20) day period, the Board's Preliminary Order shall become a Final Order twenty (20) days after the date of its mailing;

(11) If the stay is terminated, Respondent shall still comply with all terms and conditions of probation during the active suspension, other than those terms and conditions pertaining to the active practice of the profession. Continued failure by Respondent to comply with the unaffected terms and conditions of probation shall result in further disciplinary action against Respondent;

f. Respondent's failure to fully comply with any terms of this Order may also constitute grounds for additional disciplinary action.

CANCELLATION OF LICENSE

g. Respondent may not petition the Board to reactivate and/or reinstate Respondent's authorizations to practice as a practical nurse or apply for licensure as a registered nurse without the practical nurse license first being cancelled and Respondent submitting an application for licensure.

h. Upon completion of a Board-approved practical and/or registered nursing program, Respondent shall enter into an agreement to cancel Respondent's practical nurse license, [REDACTED], pursuant to 71 P.S. § 279.2. Respondent may petition for cancellation of the practical nurse license prior to the expiration of the two years of probation. **Respondent is required to remain in compliance with all terms and conditions of this Agreement until Respondent's practical nurse license is cancelled by the Board.**

i. Should Respondent fail to complete a Board-approved practical and/or registered nursing program within the two years of probation, Respondent's practical nurse license, [REDACTED], shall be automatically cancelled by the Board; Respondent waives the right to a hearing on the automatic cancellation of Respondent's practical nurse license pursuant to 71 P.S. § 279.2.

(1) The BEI Probation Compliance Officer shall cause the Board to be notified when Respondent's two years of probation have been completed at which time the Board shall cancel Respondent's license, [REDACTED].

j. If Respondent reapplies for a practical nurse license or applies for a registered nurse license upon completion of a Board-approved program or a

program considered to be equivalent by the Board, Respondent's application shall be subject to the same requirements as any initial applicant, including the following:

(1) Respondent must demonstrate that Respondent has completed a Board-approved nursing education program which is unaffiliated with the schools named in the Operation Nightingale investigation;

(2) Respondent shall only use credits completed through a Board-approved nursing education program toward the completion of a nursing program or any advanced nursing degrees;

(3) Upon review of Respondent's application for licensure or issuance of any other authorization to practice as a practical nurse and/or registered nurse, if the Board determines it is appropriate at that time to issue Respondent a license to practice as a practical and/or registered nurse, or any other authorization to practice as a practical and/or registered nurse, the Board shall issue any requisite approval(s) for Respondent to sit for the examination to receive a license to practice as a practical and/or registered nurse in the Commonwealth of Pennsylvania (the "exam"); and,

(4) Respondent shall take and pass the exam with a minimum score as mandated by the Board to initially receive

a license to practice as a practical and/or registered nurse prior to Respondent's practical and/or registered nursing license or any other authorization to practice as a practical and/or registered nurse being issued by the Board.

(5) Additionally, Respondent must include with any application for a nursing license an averment that Respondent has not violated any terms and conditions of this agreement, specifically that Respondent has not practiced practical nursing on a Pennsylvania practical nurse license while Respondent's practical nurse license was inactive and/or cancelled.

k. Upon application by the Respondent, should the Board grant Respondent a practical nurse license, Respondent shall be re-issued license no. [REDACTED].

l. The cancellation of Respondent's practical nurse license shall not constitute additional disciplinary action by the Board but shall be reported to other licensing authorities and any applicable national licensing databank.

m. This case shall be deemed settled and discontinued upon the Board issuing an Order adopting this Consent Agreement.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

8. Respondent agrees that if Respondent is charged with a violation of an Act enforced by the Board in the future, this Consent Agreement and Order shall be admitted into evidence without objection in that proceeding.

ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING

9. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter and the following rights related to that hearing: to be represented by counsel; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any adverse final decision.

WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS

10. Should the Board vote not to adopt the Order proposed in this Consent Agreement, the presentation and consideration of this Consent Agreement shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. Respondent expressly waives the right to raise any claims or issues, including any and all constitutional claims or issues, which may arise or have arisen during the review, presentation and deliberation of this Consent Agreement. These claims or issues include, but are not limited to, bias, the commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Board, in its discretion, recommending a different sanction based upon the facts set forth in the Consent Agreement. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at a hearing unless otherwise separately stipulated.

AGREEMENT NOT BINDING ON OTHER PARTIES

11. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the Board issues the stipulated Order.

EFFECT OF BOARD'S REJECTION OF CONSENT AGREEMENT

12. Should the Board not approve this Agreement, presentation to and consideration of it by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Agreement.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

13. Respondent consulted with Richard Q. Hark, Esq. in reviewing, considering, and accepting the terms of this Consent Agreement.

ENTIRE AGREEMENT

14. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

AGREEMENT DOES NOT PRECLUDE DISCIPLINE FOR OTHER VIOLATIONS

15. Nothing in this Order shall preclude the Prosecution Division for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement.

EFFECTIVE UPON BOARD APPROVAL

16. This Agreement shall take effect immediately upon its approval and adoption by the Board.

VERIFICATION OF FACTS AND STATEMENTS

17. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent

understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

T'rese M. Evancho

T'rese M. Evancho
Prosecuting Attorney

DATED: 03/12/2025

DocuSigned by:
[Redacted]
4D15F57E30CE4F5...

[Redacted], LPN
Respondent

DATED: February 12, 2025

DocuSigned by:
Richard Hark
FF2D35DC1D7946A...

Richard Q. Hark
Attorney for Respondent

DATED: February 11, 2025



**COMMONWEALTH OF PENNSYLVANIA
OFFICE OF GENERAL COUNSEL**

I, [REDACTED] hereby voluntarily request the Pennsylvania State Board of Nursing to place my license, License Number [REDACTED], on inactive status pursuant to the proposed Consent Agreement and Order executed by me on February 11, 2025.

DocuSigned by:

NAME
Respondent
DATE: February 12, 2025

DocuSigned by:

Richard Hark

FF2D35DC1D7046A...

NAME
Respondent's Counsel
DATE: February 11, 2025

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF NURSING**

**Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs**

Case No.: 22-51-[REDACTED]

v.

[REDACTED], L.P.N.
Respondent

ORDER

AND NOW, this 16th day of April 2025, the **STATE BOARD OF NURSING** (“Board”) adopts and approves the foregoing Consent Agreement and incorporates the terms of Paragraph 7, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

Arion R. Claggett

Arion R. Claggett
Acting Commissioner

For the Commonwealth:

Respondent:

Date of Mailing:

**BY ORDER:
STATE BOARD OF NURSING**

Colby Hunsberger

Colby Hunsberger, DNP, R.N., CNEcl.
Chair

T'rese M. Evancho, Esquire
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April 21, 2025