

<p><b>IN THE MATTER OF</b></p> <p><b>JACQUELINE T. THORNTON, N.H.A.</b></p> <p><b>Respondent,</b></p> <p><b>License No.: R1913</b></p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p><b>BEFORE THE MARYLAND</b></p> <p><b>STATE BOARD OF</b></p> <p><b>EXAMINERS</b></p> <p><b>OF NURSING HOME</b></p> <p><b>ADMINISTRATORS</b></p> <p><b>CASE NUMBER: 2018-001</b></p>
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**PRE-CHARGE CONSENT ORDER**

The Maryland State Board of Examiners of Nursing Home Administrators (the “Board”) voted to charge Jacqueline T. Thornton, N.H.A., with violations under the Maryland Nursing Home Administrators Licensing Act (the “Act”), codified at Md. Code Ann., Health Occ. I (“Health Occ. I”) § 9-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.).

The pertinent provisions of the act are as follows:

**§ 9-314. Investigations; grounds for reprimands, suspensions, revocations, and fines.**

(b) *Grounds for reprimands, suspensions, revocations and fines.* ----  
 Subject to the hearing provisions of § 9-315 of this subtitle, the Board may deny a license or limited license to any Respondent, reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, suspend or revoke a license or limited license, or impose a civil fine if the Respondent, holder, or licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the licensee or another; [and]
- (8) Willfully makes or files a false report or record in the practice of nursing home administration.
- (11) H.O. § 9-314(b)(11), Commits an act of unprofessional conduct in the

licensee's practice as a nursing home administrator.

### **FINDINGS OF FACT**

The Board makes the following Findings of Fact:

#### **A. AIT Application**

1. On or about March 14, 2013, the Board received an Application for a Nursing Home Administrator in Training Program ("AIT") from the Respondent.
2. Section 5 of the Application, captioned "Character And Fitness," required the Respondent to respond to a series of 15 questions, which included questions regarding whether the Respondent had ever been arrested, charged, pled guilty, or been convicted for any criminal offenses (not including any minor traffic violations).
3. Section 5 also provided instructions on completing the questions. The Respondent was instructed to:

[A]nswer each question with a "Yes" or "No" response as no other response is acceptable. All "Yes" answers **MUST** be explained in detail in a separate **SIGNED** and **NOTARIZED** affidavit. The affidavit should include all relevant dates and identify the relevant jurisdiction and/or entity involved. Failure to disclose any of the requested information may result in the denial of your application or other appropriate action.
4. In response to Question 9 of Section 5: "Have you ever pled guilty or *nolo contendere*, been convicted of, or received probation before judgment for any criminal offense (excluding minor traffic violations)," the Respondent answered "No."

5. In response to Question 11 of Section 5: "Have you ever been arrested or charged with a criminal offense excluding a minor traffic violation," the Respondent answered "No."

**B. 2003 Arrest**

6. On January 13, 2003, the Respondent was arrested for shop lifting at a Department store. On September 17, 2003, she pled guilty, in the District Court of Maryland for Carroll County, and received Probation before Judgment and 40 hours of community service.
7. The Board requested that the Respondent provide a written narrative explaining why she did not provide the Board with information regarding the 2003 arrest and conviction.
8. By Correspondence dated September 5, 2018, the Respondent stated that she believed that the 2003 arrest record had been expunged. The record was not expunged.
9. The Respondent fraudulently or deceptively attempted to obtain a Maryland Nursing Home Administrator's License. She willfully provided false responses to Questions (9 and 11) on the AIT application, which asked whether she had been arrested, charged, pled guilty, been convicted of a criminal offense, or received probation before judgment.
10. The Respondent's actions violated H.O. § 9-314(b)(1), fraudulently or deceptively obtains or attempts to obtain a license for the licensee or another;

and H.O. § 9-314(b)(8), willfully making or filing a false report or record in the practice of nursing home administration.

11. The Respondent's actions also violated H.O. § 9-314(b)(11), Commits an act of unprofessional conduct in the licensee's practice as a nursing home administrator.

### **CONCLUSIONS OF LAW**

Based on the foregoing facts the Board concludes as a matter of law that

The Respondent violated the following provisions of the Act:

- (1) H.O. § 9-314(b)(1), fraudulently or deceptively attempts to obtain a license for the licensee or another;
- (2) H.O. § 9-314(b)(8), willfully making or filing a false report or record in the practice of nursing home administration; and
- (3) H.O. § 9-314(b)(11), Commits an act of unprofessional conduct in the licensee's practice as a nursing home administrator.

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the Board, hereby:

**ORDERED** that the Respondent is **REPRIMANDED**; and it is further

**ORDERED** that the Respondent shall pay a fine of \$1,000 to the Board by certified check or money order in four, equal, monthly installments of \$250.00, payable to "BENHA," and mailed to State Board of Examiners of Nursing Home Administrators,

4201 Patterson Avenue, 3<sup>rd</sup> Floor, Baltimore, MD 21215, beginning from the effective date of this Consent Order;

**BE IT FURTHER ORDERED** that the Respondent's failure to comply with any of the conditions of this Consent Order in a timely manner as set out above shall be considered a violation of this Consent Order; and it is further

**ORDERED** that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying material facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any other disciplinary sanctions that the Board may have imposed in this case, including probationary terms and conditions, reprimand, suspension, revocation and monetary penalty; and it is further

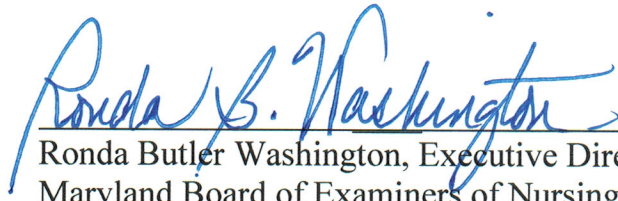
**ORDERED** that the Respondent shall comply with the Maryland Nursing Home Administrators Act and all applicable laws, statutes and regulations; and it is further

**ORDERED** that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of the Consent Order; and it is further

**ORDERED** that this Consent Order goes into effect upon the signature of Ronda Butler Washington, Executive Director of the Board, who signs on behalf of the Board; and it is further

**ORDERED** that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. General Provisions §§ 4-333 *et seq.* (2014).

February 25, 2019  
Date

  
Ronda Butler Washington, Executive Director  
Maryland Board of Examiners of Nursing Home  
Administrators

**CONSENT**

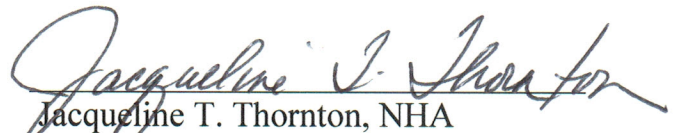
I, Jacqueline T. Thornton, Respondent, by affixing my signature hereto,  
acknowledge that:

1. I am aware that I am entitled to be represented by counsel, and I have knowingly agreed to waive my right to counsel in this matter. I have knowingly and voluntarily agreed to enter into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Health Occ. I, Code Ann. § 9-315 (2014 Repl. Vol.) and Md. State Gov't II, Code Ann. §§ 10-201 *et seq.* (2014 Repl. Vol.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I am waiving those procedural and substantive protections.
4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the

Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.

5. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

16 FEB 2019  
Date

  
Jacqueline T. Thornton, NHA  
Respondent

**NOTARY**

STATE OF MD.

COUNTY OF Baltimore

I HEREBY CERTIFY that on this 16<sup>th</sup> day of February, 2019, before me, a Notary Public of the State and County aforesaid, personally appeared Jacqueline T. Thornton, Respondent, and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

**AS WITNESS, my hand and Notary Seal:**

  
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Notary Public

My Commission expires: 12-26-2021

MELONY JONES  
Notary Public-Maryland  
Baltimore County  
My Commission Expires  
December 26, 2021