

DISTRICT OF COLUMBIA
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CAROLINE OGUNGBURE,
Petitioner,

v.

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH,
Respondent.

Case No.: 2023-DOH-00011

FINAL ORDER

I. Introduction

The District of Columbia Department of Health (DOH) issued a Notice of Summary Action to Suspend License (Notice) to Petitioner Caroline Ogungbure, RN. The Notice, dated March 20, 2023, informed Petitioner that her license to practice as a registered nurse (Registered Nursing License No. RN1062723) in the District of Columbia was summarily suspended, pursuant to DC Official Code § 3-1205.15(a)(1)(D) (“Charge No. 1”).¹

On March 29, 2023, DOH advised the Office of Administrative Hearings that Petitioner submitted a timely request for a hearing. On the same date, this administrative court issued a Scheduling Order, scheduling a telephonic evidentiary hearing for March 31, 2023. On March 30, 2023, Petitioner filed a motion to dismiss (the Motion) the summary action by DOH. In the Motion, Petitioner asserted that the summary action violated her due process rights by failing to provide the affidavit upon which DOH’s charges rely. Additionally, Respondent asserted that the

¹ D.C. Official Code § 3-1205.15(a)(1)(D) authorizes the summary suspension of the license to practice a health occupation, without a hearing, if, after an investigation, the licensee’s conduct presents an imminent danger to the health and safety of the public.

charging documents contain no facts that demonstrate Respondent committed fraud or had knowledge of issues regarding the accreditation of Palm Beach Nursing School.

On March 31, 2023, a telephonic evidentiary hearing convened as scheduled. Both parties were represented by counsel. At the outset of the hearing, the court allowed the parties to present brief oral arguments regarding the Motion. DOH presented testimony and exhibits during its case-in-chief. This court admitted the following Respondent’s Exhibits “RX” into evidence: RX 100 – Petitioner’s application for licensure in the District of Columbia; RX 101 – RN Verification Report; RX 102 – United States Department of Justice (DOJ) Press Release date January 25, 2023; RX 103 - Grand Jury Indictment from the United States District Court Southern District of Florida filed on January 12, 202; and RX 104 – An affidavit of Ms. Johanah Napoleon dated June 7, 2022. Dr. Teresa Walsh, Executive Director for the DC Board of Nursing, testified on behalf of DOH. Petitioner presented no testimony or evidence for this court to consider.

Pursuant to D.C. Official Code § 3-1205.15(c), this Final Order is being issued within 72 hours after the hearing. Based upon the testimony of the witnesses, my assessment of their credibility, and the entire record of these proceedings, I make the following findings of fact and conclusions of law.

II. Findings of Fact

1. Petitioner received an associate degree in nursing from the Palm Beach School of Nursing on December 1, 2017.
2. Petitioner was licensed as a registered nurse in the state of New York on February 26, 2021.
3. Petitioner initially received her registered nursing license by endorsement from the District of Columbia Board of Nursing (“DC Board of Nursing”) on May 15, 2021

(License No. RN1062723).

4. In 2022, Petitioner successfully renewed her registered nursing license in the District of Columbia.
5. In the fall of 2022, DOH received information from the Federal Bureau of Investigation (FBI) and DOJ regarding potentially fraudulent degrees awarded by the Palm Beach School of Nursing. The DC Board of Nursing conducted an initial investigation to cross-reference the information provided by the FBI and DOJ with their records.
6. In January of 2023, the DC Board of Nursing received a copy of an affidavit obtained by DOJ. The affidavit contained statements from Ms. Johanah Napoleon, the founder of the West Palm Beach School of Nursing.
7. Petitioner's name appears on a list of individuals furnished who allegedly obtained fraudulent degrees from the West Palm Beach School of Nursing. The names of the individuals listed were provided by Ms. Napoleon.
8. The DC Board of Nursing conducted another review of their records regarding Petitioner's license upon receiving the list of individuals identified by Ms. Napoleon. A review of those records revealed Petitioner had graduated from the West Palm Beach School of Nursing.
9. On March 20, 2023, DOH provided Petitioner with Notice of Summary Action to Suspend License. The notice informed Petitioner that her license was being summarily suspended immediately because she posed an imminent danger to the health and safety of the public for lacking the necessary education and training to obtain a Registered Nurse License in the District of Columbia.

10. Aside from the information provided by the FBI and DOJ, DOH did not possess any additional information regarding Petitioner's lack of fitness to practice as a registered nurse in the District of Columbia.

III. Conclusions of Law

Pursuant to 17 DCMR § 4118.7, to affirm a summary suspension of a health professional's license, the Government must prove by substantial evidence that the action was necessary pursuant to D.C. Official Code § 3-1205.15(a)(1)(D).

I conclude that DOH and the DC Board of Nursing provided Petitioner with adequate notice of the summary suspension proceedings. Petitioner was informed of the allegations against her in the Notice for Summary Action to Suspend License provided to her on March 20, 2023. Additionally, DOH provided Petitioner with copies of its exhibits prior to the evidentiary hearing. Petitioner has been provided with an adequate opportunity to contest the evidence presented by DOH.

I further conclude that the summary suspension of Petitioner's license was made in accordance with D.C. Official Code § 3-1205.15(a)(1)(D), as set forth in Charge No. 1. I find that DOH and the DC Board of Nursing were first informed of the concerns regarding Petitioner's nursing credentials in the Fall of 2022. It is immaterial whether the Palm Beach School of Nursing was accredited at the time Petitioner graduated. If DOH or the DC Board of Nursing had been aware of the concerns regarding Petitioner's credentials in 2021, that knowledge alone would not prevent DOH from summarily suspending Petitioner's license. D.C. Official Code § 3-1205.15(a)(1)(D) only requires conduct that poses an imminent danger to the health and safety of the public. Dr. Walsh provided testimony regarding the substantial dangers posed by individuals that do not possess the requisite training for licensure as a registered nurse. The Court finds that

Petitioner in fact poses an imminent danger to the health and safety of the public because she does not possess the requisite education and training to be licensed as a registered nurse in the District of Columbia. Specifically, Petitioner has failed to complete the 650 clinical hours required for licensure pursuant to 17 DCMR § 5405.1(1)(1) and 17 DCMR § 5608.20.

Considering the testimony and exhibits introduced, I conclude that DOH has met its burden of proof. Accordingly, the summary suspension of Respondent's license to practice as a registered nurse in the District of Columbia is affirmed.

IV. Order

Based on the above findings of fact, conclusions of law, and the entire record in this matter, it is this 3rd day of April 2022:

ORDERED, that the summary suspension of Caroline Ogungbure's license to practice as a registered nurse in the District of Columbia (Registered Nursing License No. RN1062723), dated March 20, 2023, is hereby **AFFIRMED**; and it is further

ORDERED, that pursuant to 17 DCMR § 4118.11, the summary suspension of Caroline Ogungbure's license to practice as a registered nurse in the District of Columbia (Registered Nursing License No. RN1062723), dated March 20, 2023, shall remain in effect until it expires by its own terms; or, is superseded by order of the appropriate health occupation board in accordance with 17 DCMR § 4118.15; or, if appealed by Petitioner, is reversed by the District of Columbia Court of Appeals; and it is further

ORDERED, that the reconsideration and appeal rights of any party aggrieved by this Order are stated below.

/s/ Jack S. Gilmore

Jack S. Gilmore
Administrative Law Judge

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I hereby certify that on April 3, 2023, this document was served upon the parties named on this page at the address(es) and by the means stated.

/s/ Matthew Bradfield
Clerk / Deputy Clerk