

**DISTRICT OF COLUMBIA**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
One Judiciary Square  
441 Fourth Street, NW  
Washington, DC 20001-2714  
TEL: (202) 442-9094  
FAX: (202) 442-4789  
[oah.filing@dc.gov](mailto:oah.filing@dc.gov)  
eFiling:

RAMATU IBRAHIM,  
Petitioner,

v.

D.C. DEPARTMENT OF HEALTH,  
Respondent.

Case No.: 2023-DOH-00026

---

**FINAL ORDER**

**I. Introduction**

On July 3, 2023, Petitioner Ramatu Ibrahim requested a hearing on the Department of Health's March 13, 2023, Notice of Summary Action to Suspend License alleging that Petitioner presents an imminent danger to the health and safety of the public in violation of D.C. Code § 3-1505.15(a)(1)(D).

**II. Procedural History**

This matter was scheduled for an evidentiary hearing on July 28, 2023. Kissinger Subana appeared as counsel for Petitioner. Ms. Ibrahim appeared as a witness. Assistant General Counsel Collin Cenci appeared on behalf of the Department of Health. D.C. Executive Director of Nursing, Teresa Walsh and Nurse Specialist for Discipline, Cathy Boris-Harris appeared and testified as witnesses for Department of Health. The following exhibits were admitted:

Petitioner's Exhibit 100 and 102; Respondent's Exhibits RX 200, 201, 202, 203 204, 205, 206, and 207.

Based on the testimony, the exhibits admitted into evidence and the entire record I find the following findings of fact and conclusions of law.

### **III. Findings of Fact**

The District of Columbia Board of Nursing (D.C. Board) oversees the licensure of all nurses in the District of Columbia. A licensed practical nurse (LPN) is responsible for checking vital signs, bathing, grooming, administering medications, and works under the supervision of registered nurses and doctors. Under 17 DCMR § 5608 (1)(1), an LPN is required to complete a minimum of 600 clinical hours for programs leading to the licensure in the District of Columbia. The 600 clinical hours is the minimum national standard required to determine that an individual is competent to perform the duties as a nurse and to function as a safe practitioner.<sup>1</sup>

The D.C. Board is a part of the National Council of State Boards of Nursing (NCSBN), which is a non-for-profit regulatory body that regulates each state's nursing board and sets national standards. The NCSBN works on common issues that impact nursing throughout the United States and serves as a repository and database<sup>2</sup> for all LPNs and registered nurses. It is

---

<sup>1</sup> Clinical hours are worked in an acute care setting (a hospital), a long-term care setting (nursing homes) or a community setting (clinic or home healthcare). The nurse works side-by-side with an experienced preceptor with hands-on training and development. Clinical hours cement the knowledge taught in the classroom.

<sup>2</sup> NURSIS is a national database provided through the National Council of State Boards of Nursing (NCSBN), for verification of LPN/RN licensure, disciplinary action, and practice privilege.

also dedicated to developing psychometrically sound and legally defensible nurse licensure and certification examinations consistent with current practices.<sup>3</sup>

Petitioner has worked at an assisted living facility for over four years and there is no evidence of Petitioner having disciplinary problems or causing harm to patients. In 2020 Petitioner paid \$9,000 in tuition to attend LPN classes at the Intellectual Institute in Laurel, Maryland. The Intellectual Institute is an affiliate of the Sacred Heart International Institute, (Sacred Heart) located in South Florida.

From 2020 to 2021 Petitioner attended classes on Fridays from 4-8 pm, Saturdays 10-2 pm and Sundays 4-8 pm. There is evidence that she studied in the evenings and on weekends while attending classes and that she told friends and family that she was attending nursing classes. Her education including in-class teaching in the areas of medical and surgical nursing. However, Petitioner did not receive the required clinical training because of Covid restrictions. She attended one clinical class through a friend who gave her access to a virtual class. DC's nursing clinical training was also suspended due to Covid restrictions but was reinstated in March of 2021.

Petitioner graduated from Sacred Heart in October 2021 and received a diploma and transcript. PX 100 and 101. The transcript and diploma have several irregularities that are not consistent with official transcripts or diplomas from accredited programs including grammatical errors, no watermarks or seals, an incomplete spelling of Sacred Heart, or listing of the board of directors. *Id.* In addition to the document irregularities, there are glaring errors in the Sacred Heart transcript. Specifically, the transcript reflects testing dates in 2018, however, Petitioner

---

<sup>3</sup> NCSBN, <https://www.ncsbn.org/nclex.page> (last visited July 31, 2023).

did not attend Sacred Heart until 2020. The transcript also reflects that Petitioner received credit for clinical training even though Petitioner admits that she did not take clinical classes at Sacred Heart. When confronted with the inconsistencies between her testimony and the transcript, Petitioner asserts that the transcript contained mistakes. But, there is no evidence that Petitioner made any effort to correct the mistakes which one would expect with mistakes as egregious as the ones in the transcript. After receiving her diploma, Petitioner traveled to Sacred Heart in Florida to complete a background check. PX 106 and 107.

In July 2021, Petitioner passed the New York state LPN licensing examination. PX 104 Petitioner submitted an online application to receive Endorsement in the District of Columbia. PX 105. Unlike an applicant for LPN licensure, an LPN application by endorsement occurs when the nurse is already licensed in one or more jurisdictions and wants that LPN license to be endorsed.<sup>4</sup> When a nurse is endorsed, the D.C. Board will conduct a primary source verification of the information but will not independently request transcripts or continuing education information. Because Petitioner's application was by Endorsement, the D.C. Board did not obtain Petitioner's transcripts from Sacred Heart for review. The D.C. Board compared the information on the list with the information Petitioner used in her application.

In the late summer of 2022, at a NCSBN Board of Director's meeting<sup>5</sup>, the D.C. Board was notified about an on-going Federal Bureau of Investigations (FBI) investigation into nursing

---

<sup>4</sup> See 17 DCMR § 5405.1 states that: Except as provided otherwise in this section, an applicant shall be eligible for licensure by endorsement if the applicant is currently licensed as a registered nurse under the laws of a state or territory of the United States and the following applies:(a) The applicant's original licensure in the state or territory was based on their completion of an educational program that meets the requirements of § 5402.1 or § 5403.1, and the applicant's receipt of a passing score on the NCLEX-RN or the State Board Test Pool Examination for Nurses; and (b) the applicant's licensure history shows that the applicant has continuously been in good in all jurisdictions where the applicant holds or has held a registered nursing license.

<sup>5</sup> The NCSBN Board of Director's meeting is held with all state nursing board's executive directors.

schools in South Florida for fraudulent activity, including fraudulently selling and issuing nursing degrees and transcripts to individuals who did not complete the training or clinical hours. The D.C. Board was told to not take any action at the time as the FBI was still investigating the fraud.

On or about September 1, 2022, DC Board Executive Director Teresa Walsh received from the Office of Inspector General a secured email with attached documents to include the sworn and notarized affidavit of owner and operator of (Sacred Heart) Charles Etienne, dated March 7, 2022, detailing fraudulent activity, and enclosing Attachment A and B. RX 104 The Intellectual Institute where Petitioner attended nursing classes is an affiliate of the Sacred Heart under investigation by the FBI. PX 101 and 102. Ms. Walsh forwarded the secure email and attachments to Nurse Specialist for Discipline Cathy Borris-Hale.

The notarized affidavit from Charles Etienne declared under penalty of perjury the following:

I owned and operated the following schools: ...

Sacred Heart International Institute Inc. (“Sacred Heart”) from its incorporation on or about May 9, 2006 to present. ... Sacred Heart was authorized to offer a practical nursing program.... The program required students to complete 1,350 hours of instruction and “fifty percent the program is comprised of clinical experience in a health care setting.”

“From in or around August 2017 to present ... Sacred Heart...issued transcripts and diplomas to 587 individuals listed in Attachment B, who did not receive clinical instruction from Sacred Heart and did not receive the clinical training required to obtain either a practical nursing transcript or diploma.” *Id.*

After receiving Attachment B, the list of individuals who were alleged to not have completed the educational training and clinical hours, the D.C. Board conducted its own inquiry

---

and reviewed the list of names. Petitioner's name was included in Attachment B along with several other LPNs and was subsequently suspended in March 2023.

Due to the breadth of the number of people effected by the fraudulent activities of the nursing schools in Florida, the DC Health has discussed creating a program designed to assess the skill level of the identified LPNs and to provide training for those who qualify.

#### **IV. Conclusions of Law**

In the District of Columbia law, the license of a health professional may be summarily suspended prior to the opportunity for a hearing if it is determined, after an investigation, that continued practice by the health professional poses an imminent danger. D.C. Official Code § 3-1205.15(a)(1)(D).<sup>6</sup> In this case, the Government has asked this Court to summarily suspend Petitioner's practical nursing license because she did not complete the required course work.

The government has "the burden of proving by substantial evidence that the action was necessary to prevent imminent danger to the health or safety of the citizens of the District." 17 DCMR § 4118.7. Substantial evidence is evidence that exceeds a mere scintilla of proof; it means "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Children's Defense Fund v. District of Columbia Department of Employment Servs.*, 726 A.2d 1242 at 1247 (D.C. 1999).

---

<sup>6</sup> After a summary suspension, the licensee is entitled to an expedited hearing where the government must establish that the summary action is supported by "reliable, probative, and substantial evidence." D.C. Official Code § 3-1205.15(d). In a case involving medical licensure, the District of Columbia Court of Appeals has interpreted this evidentiary standard to require proof by a preponderance of the evidence. *Sherman v. Commission on Licensure*, 407 A. 2d 595, 600 (D.C.1979) (Administrative Procedure Act's requirement of "reliable, probative, and substantial evidence," D.C. Official Code 2-509(e), required proof by preponderance of the evidence).

The Occupational Health and Safety Agency (OSHA) defines imminent danger as....” conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act.”<sup>7</sup>

The government’s case ultimately rests only on Attachment B to Mr. Etienne's hearsay affidavit, which included Petitioner on the list of those who received degrees from Sacred Heart without completing required coursework or clinical training. Although hearsay is admissible in administrative hearings, “[i]n the ordinary administrative case, hearsay is generally disfavored because in all adjudicative proceedings, cross-examination and confrontation are the handmaidens of trustworthiness in the face of factual dispute.” *Compton v. D.C. Bd. of Psychology*, 858 A.2d 470, 479 (D.C. 2004) (quoting *Glenbrook Rd. Ass'n v D.C. Bd of Zoning Adjustment*, 605 A.2d 22, 39 (D.C. 1992) and *Nat'l Trailer Convoy, Inc. v. United States*, 293 F. Supp. 634, 636 (N.D. Okla. 1968)). Reliability of hearsay testimony should be evaluated in light of whether there is corroboration, potential bias, and whether the testimony is sworn, among other considerations. *Gropp v. D.C. Bd of Dentistry*, 606 A.2d 1010, 1015 (D.C. 1992) (citing *Wisconsin Ave. Nursing Home v. D.C. Human Rights Comm'n*, 527 A.2d 282, 288 (D.C. 1987)). Where “the declarant is available to testify and be cross-examined, the practice of relying exclusively on hearsay is strongly discouraged and should be heavily weighed against the sponsoring party.” *Compton* 858 A.2d at 479.

D.C. Health's investigation of Petitioner's information only confirmed that Petitioner received a degree from Sacred Heart, but provided no corroboration that the degree was

---

<sup>7</sup> 1903.13 Imminent Danger OSHA Public Law 91-596, 84 STAT.1590, 91<sup>st</sup> Congress, S.2193, December 29, 1970, as amended through January 1, 2004.

fraudulent. Rather, D.C. Health relied on the fact that Petitioner was one of the individuals flagged in the NURSYS database, and individuals were flagged solely on the basis of Attachment B.

Thus, the Court must also look to Mr. Etienne's own credibility in evaluating the weight that should be given his hearsay evidence. While there is no evidence that Mr. Etienne was biased against Petitioner personally and Mr. Etienne's testimony is sworn, Mr. Etienne's credibility is compromised by the fact that he has been convicted of multiple crimes involving dishonest acts and false statements. Such convictions are peculiarly probative of credibility and hence why they are always admitted under Federal Rule of Evidence 609(a)(1)(B).

Lastly, we must address Mr. Etienne's available to testify and be cross-examined. D.C. Superior Court Civil Rule 32(a)(4) treats any witness that is more than 25 miles from the place of hearing as unavailable unless the witness's absence was procured by the sponsoring party. Since Mr. Etienne is currently awaiting trial in Florida, I will treat him as unavailable and not hold his absence against the government. This does not change the fact that his evidence is still hearsay.

In light of Petitioner's live testimony, the government's hearsay evidence alone cannot hold up the weight of its entire case. The Respondent must show by substantial evidence that Petitioner's continued practice as LPN poses an imminent danger to the health or safety. The only basis of imminent danger that Respondent has shown is that Petitioner's name is listed in Attachment B. While the validity of her degree from Sacred Heart is questionable, the ultimate question in this case is not whether her degree is valid but rather whether she poses an imminent danger.

Following the OSHA definition of imminent danger, the Government has not met its burden to prove by substantial evidence, that Petitioner, "could be reasonably suspected to cause



death or serious physical harm immediately” or “before the imminence of such danger could be eliminated.” Based on Petitioner’s testimony, she completed her coursework and clinical training at an affiliate school in Maryland. The Court is not convinced that Petitioner’s credentials from Sacred Heart, although questionable, leads to the conclusion that she lacks the proper foundation such that she is an imminent danger. It is undisputed that she passed the NCLEX professional nursing exam. There is also evidence that Petitioner has been employed as a health care worker for at least four years before pursuing her degree in practical nursing. Finally, there is no evidence that she has harmed a patient or provided less than the required patient care.

The Government is correct that just because Petitioner has not harmed others in the past does not mean she will not in the future. But that is not the only evidence of Petitioner’s training, nor has DC Health provided evidence to the contrary. The fact that Petitioner has not caused harm in the past does make it less reasonable to expect her to cause death or serious physical harm. And it also reduces the likelihood that an such future harm is so imminent that summary suspension is necessary. The evidence is that Petitioner’s work is supervised by a registered nurse and a doctor, and that Petitioner has received some training to practice as an LPN. Based on all the evidence in the record, I find that Respondent has failed to meet its burden to prove that Petitioner is an imminent danger. Therefore, the DC Health summary suspension is reversed.

## **V. Order**

Based on the above findings of fact, conclusions of law, and the entire record in this matter, it is this 12<sup>th</sup> day of December, 2023:

**ORDERED**, that that the Notice of Summary Action to Suspend License issued by the Department of Health is **REVERSED**.

*/s/*

Claudia A. Crichlow  
Principal Administrative Law Judge

## Certificate of Service:

### By Email:

Dr. Kissinger N. Sibanda, Esq  
[KSibanda@thelawofficesofkissingersibanda.com](mailto:KSibanda@thelawofficesofkissingersibanda.com)

Ramatu Ibrahim  
hhrahma26@gmail.com

I hereby certify that December 12, 2023, this document was served upon the parties named on this page at the address(es) and by the means stated.

*/s/ Tyrone Williams*

---

Clerk / Deputy Clerk

### By Email:

Collin Cenci  
Assistant General Counsel  
Collin.Cenci@dc.gov

Phillip Husband  
General Counsel  
Department of Health  
[phillip.husband@dc.gov](mailto:phillip.husband@dc.gov)