

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
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IN THE MATTER OF:

CARIDDAD GIRLIE BAUTISTA, RN
Petitioner,

Case No.: 2023-DOH-00018

FINAL ORDER

I. Introduction

On May 11, 2023, the Department of Health Regulation and Licensing Administration – Board of Nursing (DOH) filed with the Office of Administrative Hearings Respondent Cariddad Girlie Bautista’s timely appeal of DOH’s Notice of Summary Action to suspend Respondent’s D.C. registered nursing license, RN 1058437 (the Notice).

Pursuant to D.C. Official Code § 3-1205.15(c) Respondent had a right to an expedited hearing within 72 hours of her request for a hearing. A Scheduling Order was issued on May 11, 2023, for a telephonic hearing on May 12, 2023, before the undersigned Administrative Law Judge. In accordance with the Scheduling Order, DOH filed and served on Respondent its list of exhibits it intended to introduce at the hearing, copies of the exhibits and a list of witnesses it intended to call. Respondent did not make any filing.

At the hearing Respondent participated on her own behalf. Kevin Lutes, Assistant Attorney General, participated on behalf of DOH, accompanied by Teresa Walsh, PhD, RN, Executive Director, D.C. Board of Nursing.

Based on the testimony of Respondent and Dr. Walsh, my assessment of their credibility and the exhibits introduced at the hearing I make the following findings of fact and conclusions of law.

II. Findings of Fact

The relevant facts are undisputed. On March 24, 2023, DOH issued the Notice to suspend Respondent's D.C. registered nursing license, RN 1058437. The Notice informed Respondent that her nursing license was suspended for the following reason:

Your nursing license was suspended by the State of Maryland and has not been reinstated, for which D.C. Health can take summary action to suspend your District RN license under D.C. Code § 3-1205.15(a)(1)(A).

On March 9, 2023, the Maryland Board of Nursing (the Maryland Board) had summarily suspended Respondent's License Number R246906 to practice as a registered nurse in the State of Maryland. After an evidentiary hearing the Maryland Board found that Respondent fraudulently obtain her Multistate RN license ¹and that " Respondent's ability to continue to practice as a registered nurse in the State of Maryland and/or any compact state on a fraudulently obtained RN license poses a serious risk and danger to the public health, safety, and welfare."

The suspension of Respondent's Maryland license is continuing and has not been reinstated.

¹ 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 in their home state and other party states.

III. Conclusions of Law

D.C. Official Code § 3-1205.15 (a)(1) provides:

The Mayor may summarily suspend or restrict, without a hearing, the license, registration, or certification of a person:

- (A) Who has had his or her license, registration, or certification to practice the same profession or occupation revoked or suspended in another jurisdiction and has not had the license, registration, or certification to practice reinstated within that jurisdiction.

DOH has the burden of establishing that the summary action is supported by “reliable, probative and substantial evidence.” D.C. Official Code § 3-1205.15(d). DOH has met its burden of proof by establishing that Respondent’s nursing license has been suspended in the State of Maryland, and that her license is still suspended as of the hearing date. This constitutes sufficient grounds for summary suspension of Respondent’s D.C. license.

For all these reasons, I must uphold DOH’s summary suspension of Respondent’s D.C. registered nursing license.

IV. Order

Therefore, it is this 15th day of May 2023:

ORDERED, that the District of Columbia Department of Health’s **Notice of Summary Suspension** of Respondent’s registered nursing license, RN 1058437 in the District of Columbia is **UPHELD**; and it is further

ORDERED, that the reconsideration and appeal rights of any party aggrieved by this order are set forth below.

/s/ Robert E. Sharkey
Robert E. Sharkey
Administrative Law Judge

HOW TO REQUEST THE ADMINISTRATIVE LAW JUDGE TO CHANGE THE FINAL ORDER

Under certain limited circumstances and within certain time limits, a party may file a written request asking the administrative law judge to change a final order. OAH Rule 2828 explains the circumstances under which such a request may be made. Rule 2828 and other OAH rules are available at www.oah.dc.gov and at OAH's office.

A request to change a final order does not affect the party's obligation to comply with the final order and to pay any fine or penalty. If a request to change a final order is received at OAH **within 10 calendar days** of the date the Final Order was filed (**15 calendar days** if OAH mailed the final order to you), the period for filing an appeal with the District of Columbia Court of Appeals does not begin to run until the Administrative Law Judge rules on the request. **A request for a change in a final order will not be considered if it is received at OAH more than 120 calendar days of the date the Final Order was filed (125 calendar days if OAH mailed the Final Order to you).**

HOW TO APPEAL THE FINAL ORDER TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

Pursuant to D.C. Official Code § 2-1831.16(c)-(e), any party suffering a legal wrong or adversely affected or aggrieved by this Order may seek judicial review by filing a Petition for Review and six copies with the District of Columbia Court of Appeals at the following address:

Clerk
District of Columbia Court of Appeals
430 E Street, NW, Room 115
Washington, DC 20001

The Petition for Review (and required copies) may be mailed or delivered to the Court of Appeals and must be received there within 30 calendar days of the mailing date of this Order, pursuant to D.C. App. R. 15(a)(2). There is a \$100 fee for filing a Petition for Review. Persons who are unable to pay the filing fee may file a motion and affidavit to proceed without the payment of the fee when they file the Petition for Review. Information on petitions for review can be found in Title III of the Court of Appeals' Rules, which are available from the Clerk of the Court of Appeals, or at www.dcappeals.gov.

Certificate of Service:

By Email:

Cariddad Girlie Cerin Bautista
[REDACTED]

By Email:

Philip Husband
General Counsel
D.C. Health
[REDACTED]

Kevin Lutes
Assistant Attorney General
[REDACTED]

I hereby certify that on May 15, 2023, this document was served upon the parties named on this page at the addresses and by the means stated.

/s/ Starr Gantt
Clerk / Deputy Clerk