



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Bureau of Health Professions Licensure
Board of Registration in Nursing Home Administrators
239 Causeway Street, Suite 500, Boston, MA 02114

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MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

January 22, 2018

VIA FIRST CLASS & CERTIFIED MAIL NO. 7015 1660 0001 1911 4210,
RETURN RECEIPT REQUESTED

Emmanuel Azzum aka Emmanuel Azzun
P.O. Box 2561
Edmund, OK 73083

RE: In the Matter of Emmanuel Azzum aka Emmanuel Azzun, Docket No. NHA-2015-005
License No. NH5137

Dear Mr. Azzum:

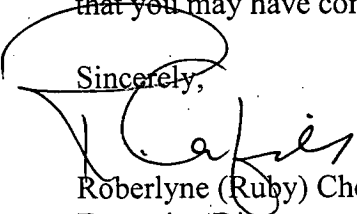
Please find enclosed the **Final Decision and Order** issued by the Board of Registration in Nursing Home Administrators on January 22, 2018 and effective **February 1, 2018**. This constitutes full and final disposition of the above-referenced complaint, as well as the final agency action of the Board. Your appeal rights are noted on page 6.

Please note that as of the effective date, your license status will change to **Revoked; Expired**. It will remain in **revocation** status until the Board notifies you of a change in license status in accordance with the terms of the order.

Please direct all questions, correspondence and documentation relating to licensure reinstatement to the attention of Lisa Ferguson at the address above. You may also contact Ms. Ferguson at (617) 973 - 0950.

You may contact Mary Strachan, Esq., Board Counsel at (617) 973 - 0950 with any questions that you may have concerning this matter.

Sincerely,


Roberlyne (Ruby) Cherfils, MPA
Executive Director,
Multi-Boards

Encl.

cc: Richard Banks, Esq., Prosecuting Counsel
Jason B. Barshak, Esq., Chief Administrative Magistrate

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, COUNTY

BOARD OF REGISTRATION IN
NURSING HOME ADMINISTRATORS

In the Matter of)
Emmanuel Azzum aka Emmanuel Azzun)
NH License No. 5137)
License expired: June 30, 2014)
_____)

Docket No. NHA-2015-005

FINAL DECISION AND ORDER

I. PROCEDURAL HISTORY

On October 25, 2016, the Board of Registration in Nursing Home Administrators (“the Board”) issued and duly served on Emmanuel Azzun (“Respondent”) an Order to Show Cause (“OTSC”)¹ related to a Complaint pending against Respondent’s Nursing Home Administrator license. The OTSC alleged that the Respondent falsely denied holding licenses in other jurisdictions and failed to disclose disciplinary actions by licensing bodies in other jurisdictions. In addition to stating the allegations against Respondent, the OTSC notified Respondent that an Answer to the OTSC (“Answer”) was to be submitted within 21 days of receipt of the OTSC². Respondent filed his Answer to the OTSC after the deadline in December 2016.

In March 2017, Prosecuting Counsel filed a motion for summary decision that was reviewed by Chief Administrative Magistrate, Jason Barshak (“Magistrate Barshak”) on the Board’s behalf. On May 12, 2017, Magistrate Barshak submitted his recommended ruling for the Board’s review and action. After review, the Board adopted Magistrate Barshak’s reasoning

¹ Pursuant to 801 CMR 1.01(6)(a).

² In accordance with 801 CMR 1.01(6)(d)(2).

and recommendation and voted to issue its Ruling on the prosecutor's motion for summary decision, finding as a matter of law that the Respondent violated 245 CMR 2.15(3) (engaging in fraudulent or deceptive practices); 245 CMR 2.15(4) (violation of local, state, or federal statutes or regulations related to nursing home administration); common law relative to undermining public confidence in the NHA profession's integrity; See Sugarman v. Board of Registration in Medicine, 422 Mass. 338 (1996), and based on the foregoing, the Respondent violated M.G.L. c. 112, §61 (offenses against the laws of the Commonwealth). Thereafter, the Board offered Respondent the opportunity for a hearing limited to the issue of sanction, of which the Respondent availed himself. The Board's Ruling on Prosecuting Counsel's Motion for Summary Decision is appended hereto and incorporated by reference.

II. SANCTION HEARING

The sanction hearing was held on November 17, 2017 during the Board's regularly scheduled monthly meeting. Due to his out of state location,³ the Board granted Respondent's request to attend the sanction hearing via telephone. Respondent did not submit any documentary or other evidence for the Board's review. Respondent asserted via telephone that he did not intentionally mislead the Board and that he believed that the fact that he held licenses in other jurisdictions was not relevant to the issue of his qualifications for Massachusetts licensure. He apologized to the Board for his error. Furthermore, Respondent emphasized to the Board that the Oklahoma Board's action against his Oklahoma Nursing Home Administrator license occurred over ten years ago and that it has caused him great harm. He appeared to

³ Respondent's address of record is in Edmond, Oklahoma.
E. Azzum aka Azzun
NHA-2015-005

suggest that given the passage of time and the effect on his reputation, no other discipline is warranted. Respondent also contended that there is a "three year rule" pertaining to "administrative error" but he failed to cite to any such rule and the Board is unaware of such a rule. Respondent urged Board members to dismiss the Complaint and to give him a "warning". Similarly, Respondent failed to define the term "warning" or cite to any legal authority for the Board to issue a "warning."

Prosecuting Counsel attended the sanction hearing in person and submitted to the Board members and to Respondent the following documents:

1. A copy of Prosecuting Counsel's Motion for Summary Decision dated March 13, 2017;
2. A print out of Respondent's Address of Record;
3. A copy of Prosecuting Counsel's Order to Show Cause dated October 2, 2016;
4. A copy of Respondent's Answer to the Order to Show Cause dated November 6, 2016;
5. A copy of Respondent's Reciprocity License Application dated September 17, 2007;
6. A copy of the Oklahoma Consent Order dated January 23, 2008 with attachments;
7. A copy of the Missouri Board of Nursing Home Administrators Final Decision and Order dated April 29, 2010;
8. A copy of Respondent License Renewal Applications dated April 15, 2008, May 31, 2009, undated applications received by the Board on June 29, 2010, June 29, 2011, May 30, 2012 and July 3, 2013.

Prosecuting Counsel explained to Board members that the evidence in file documents Respondent's complete disregard for the truth in his interactions with the Board. Not only did Respondent fail to answer truthfully the questions on his first application for Massachusetts licensure by reciprocity, he continued to answer untruthfully or to correct his responses on the eight additional applications he submitted for license renewal. Prosecuting Counsel argued that such conduct demonstrates Respondent's lack of good moral character, a statutory prerequisite to licensure in the Commonwealth.

After reviewing its Ruling, and considering the information presented by Respondent and Prosecuting Counsel, the Board finds discipline is warranted. More specifically, the Board has disciplined licensed Nursing Home Administrators who are "guilty of deceit, malpractice, gross misconduct in the practice of his profession, or of any offense against the laws of the commonwealth relating thereto."⁴ See In the Matter of Leonard Alfonso, NH-92-002 and NH-92-016 (License revoked after Respondent engaged in deception and misrepresentation in connection with his application for licensure by failing to inform the Board of felony conviction despite the fact that the application explicitly asked whether he had ever been convicted of a felony or misdemeanor). See also, In the Matter of Scott Elsass, NH-90-005 (Six month license suspension after Respondent engaged in deception and misrepresentation when he knowingly provided false information to the Board pertaining to an Administrator in Training program he provided to a license applicant).

⁴ M.G.L.c. 112 §61
E. Azzum aka Azzun
NHA-2015-005

The Board voted to adopt the within Final Decision at its meeting held on January 19, 2018, by the following vote: Motion by J. Divver, seconded by P. Stapleton.

In favor: W. Graves, S. Lohnes, M. Moscato, N. Lordan, R. Webster, J. Divver, P. Stapleton, M. Coyne, D. Gebremedhin, M. Coyne; Opposed: None; Abstained: None; Recused: None; Absent: M. Baldassarre, M. McKenna, J. Sheehan

III. ORDER

Based on its Final Decision, the Board hereby orders Respondent's license to practice as a Nursing Home Administrator License Number NH5137 shall be REVOKED. The Board voted to adopt this Order at its meeting held January 19, 2018 by the following vote: Motion by J. Divver, seconded by P. Stapleton.

In favor: W. Graves, S. Lohnes, M. Moscato, N. Lordan, R. Webster, J. Divver, P. Stapleton, M. Coyne, D. Gebremedhin, M. Coyne; Opposed: None; Abstained: None; Recused: None; Absent: M. Baldassarre, M. McKenna, J. Sheehan

This Board can conceive of no circumstance under which it would reinstate the Respondent's license to practice as a Nursing Home Administrator.

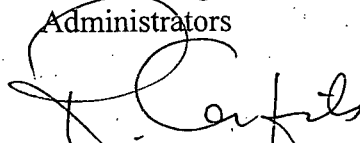
Effective Date of Order

This Final Decision and Order becomes effective upon the tenth (10th) day from the date it is issued (see "Date Issued" below).

Right to Appeal

Respondent is hereby notified of the right to appeal this Final Decision and Order within thirty (30) days of receipt of notice of this Final Decision pursuant to M.G.L. c. 112 § 64.

Board of Registration in Nursing Home
Administrators



Roberlyne (Ruby) Cherfils, MPA
Executive Director, Multi-Boards

Date Issued: January 22, 2018

Notified:

VIA FIRST CLASS AND CERTIFIED MAIL NO. 7015 1660 0001 1911 4210

RETURN RECEIPT REQUESTED

Emmanuel Azzum aka Emmanuel Azzun
P.O. Box 2561
Edmund, OK 73083

Richard Banks, Esq.
Prosecuting Counsel
Department of Public Health
Office of General Counsel
250 Washington Street, 2nd Floor
Boston, MA 02108



I do hereby certify the foregoing to be a true and certified copy of the document on file with the Massachusetts Board of Registration in Nursing.

m ce 2/2/18
Authorized Signature Date

Jason B. Barshak, Esq.
Chief Administrative Hearings Counsel
Department of Public Health
Office of General Counsel
250 Washington Street, 2nd Floor
Boston, MA 02108

E. Azzum aka Azzun
NHA-2015-005