

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION OF
NURSING HOME ADMINISTRATORS

RECEIVED BY
Feb 9 2012

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IN THE MATTER OF)
Lin Y. Fong)
License No. NH3242)
License Expiration Date 6/30/12)
_____)

DOCKET NO. NHA-2011-009

CONSENT AGREEMENT FOR LICENSE SUSPENSION

The Massachusetts Board of Registration of Nursing Home Administrators ("the Board") and Lin Y. Fong ("the Licensee"), a Nursing Home Administrator licensed by the Board ("Administrator" or "NHA"), License No. NH3242, do hereby stipulate and agree that the information in this Consent Agreement for License Suspension ("Consent Agreement" or "Agreement") shall be entered into and become a permanent part of the Licensee's records maintained by the Board. For purposes of this Agreement, the word "license" shall mean a license to practice as a Nursing Home Administrator in Massachusetts and any right to renew such license.

The Board and the Licensee agree to enter into this Consent Agreement to resolve the complaint identified as Docket No. NHA-2011-009 ("the Complaint") without resort to a formal adjudication of such Complaint. The Licensee acknowledges the truth of the allegations contained in the Complaint, which are as follows:

1. On or about June 10, 1999, the Board issued to the Licensee a license to practice as a Nursing Home Administrator, License No. NH3242. The Licensee's NHA license status is current with an expiration date of June 30, 2012.
2. The Licensee's practice and conduct are governed by the following Board regulations:
 - (a) 245 CMR 2.11(1), governing annual relicensure, which states, "Every licensed nursing home administrator shall apply for renewal of his or her license on or before June 30 or each calendar year. Said application shall be accompanied by a registration fee, and the applicant shall attest, under the pains and penalties of perjury, that he or she is in compliance with the continuing education requirement of 245 CMR 2.12"; and
 - (b) 245 CMR 2.12(1), which states, in part, that "every licensed nursing home administrator, as a condition for renewal of his or her license, shall complete a minimum of 40 contact hours of continuing education ... between July 1 of each even-numbered calendar year and June 30 of the next even-numbered year.

3. On or about October 4, 2011, the Board opened an investigation in connection with a complaint filed against the Licensee's NHA license, SA-INV-2293. As part of its investigation, on August 10, 2011, the Board requested that the Licensee submit documentation of completion of all required continuing education for the periods July 2006-June 2008 and July 2008-June 2010. On September 30, 2011, the Licensee informed the Board that she did not have the continuing education needed for the license renewals and returned to the Board the three licenses she had renewed for the 2009-2010, 2010-2011, and 2011-2012 license renewal periods. The Licensee further informed the Board that she had not worked as a licensed Nursing Home Administrator since 2003.
4. When the Licensee renewed her NHA license for the 2009-2010, 2010-2011, and 2011-2012 license renewal periods, she attested on the license renewal applications, under the pains and penalties of perjury, that she had completed all continuing education required for license renewal.
5. The Licensee agrees that the information contained in Paragraphs 1-4, above, establishes grounds for the Board to take disciplinary action against her license to practice as a Nursing Home Administrator pursuant to M.G.L. c. 112, § 109(b) (good moral character); M.G.L. c. 112, § 115; M.G.L. c. 112, § 61; and Board regulations at 245 CMR 2.11(1) and (2), 245 CMR 2.12(1), and 245 CMR 2.15.
6. The Licensee further acknowledges that her conduct as set forth in Paragraphs 1-4, above, undermines the public confidence in the integrity of the profession. *See Sugarman v. Board of Registration in Medicine*, 422 Mass. 338, 342 (1996); *Raymond v. Board of Registration in Medicine*, 387 Mass. 798, 713 (1982) (boards have authority to protect image of profession and discipline a licensee for conduct that undermines public's confidence in integrity of profession, as reasonably related to promotion of public health, welfare, and safety).
7. In full resolution of the Complaint, the Board and the Licensee agree to enter into this CONSENT AGREEMENT FOR LICENSE SUSPENSION, which suspension shall begin on the effective date of this Agreement ("Effective Date"), set forth below. The license suspension shall continue in effect until such time as the Licensee submits documentation satisfactory to the Board of her successful completion of the continuing education required by Board regulations for the periods July 2006- June 2008 and July 2008- June 2010, a total of eighty (80) contact hours of continuing education.
8. In addition to the requirement stated in Paragraph 7, above, during the suspension period the Licensee agrees that she shall:
 - (a) not engage in practice as a licensed Nursing Home Administrator, or represent herself in any way to be a licensed Nursing Home Administrator, in Massachusetts from the Effective Date of this Agreement until such time as she receives written notice from the Board terminating the suspension period and authorizing her to resume practice as a licensed Nursing Home Administrator and to represent herself as a licensed Nursing Home Administrator in Massachusetts, should she choose to do so; and

- (b) notify the Board in writing within ten (10) days of each change in the Licensee's address of record maintained by the Board.
9. The Licensee agrees that should her Nursing Home Administrator license expire at any time before the Board terminates the suspension period, the Licensee's right to renew her license shall be suspended until such time as the Board terminates such suspension pursuant to this Agreement.
 10. The Licensee may submit to the Board a written petition for termination of the license suspension ("suspension termination"), in accordance with Board Policy No. NH-11-01, *License Reinstatement Following License Surrender, License Suspension, or License Revocation*, when she can provide documentation satisfactory to the Board of completion of the continuing education set forth in Paragraph 7, above. The Board shall terminate the license suspension where it determines that the Licensee has been compliant with each requirement of this Agreement and where such suspension termination is otherwise in the best interests of the public health, safety, and welfare.
 11. The Licensee agrees to return to the Board, either by hand or certified mail, two (2) duplicate originals of this Consent Agreement signed, witnessed and dated, within fifteen (15) days of her receipt of the unsigned, proposed Consent Agreements from the Board.
 12. The Board acknowledges receipt from the Licensee of her Nursing Home Administrator licenses for the years 2010, 2011, and 2012, as stated in Paragraph 3, above.
 13. In consideration of the Licensee's execution of this Consent Agreement, the Board agrees not to prosecute any action before itself based upon the allegations set forth in Paragraphs 1-4 of this Agreement.
 14. The Licensee acknowledges that her decision to enter into this Consent Agreement is a final act and is not subject to reconsideration or judicial review.
 15. The Licensee states that she has used legal counsel in connection with her decision to enter into this Consent Agreement or, if she has not used legal counsel, that the decision not to do so has been one taken of her own free will.
 16. The Licensee understands that, after its Effective Date, this Consent Agreement constitutes a "public record" within the meaning of M.G.L. c. 4, § 7 subject to public disclosure and that the Board may forward a copy of this Agreement to other licensing boards or law enforcement entities, or both, as well as to any other individual or entity as required by law.
 17. The Licensee certifies that she has read this document entitled "Consent Agreement for License Suspension." She understands that she has a right to formal adjudication concerning the allegations against her and that during said adjudication she would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument,

to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, M.G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further states that she understands that in executing this document entitled "Consent Agreement for License Suspension," she is knowingly and voluntarily waiving her right to formal adjudication and to all of the related rights listed above.

BY THE LICENSEE:

Lin Y. Fong
Lin Y. Fong

February 1, 2012
Date

Chik S. Fong
Witness (signature)

Chik S. Fong
Witness (print name)

ON BEHALF OF THE BOARD:

Sally Graham
Sally Graham, Executive Director

2/9/2012
Date (Effective Date)

FOR BOARD USE:

An original copy of this Consent Agreement for License Suspension signed by the Board was sent to the Licensee on 2/9/12 by Certified Mail No. 7010 2780 0001 8675 9067 by JHS.