

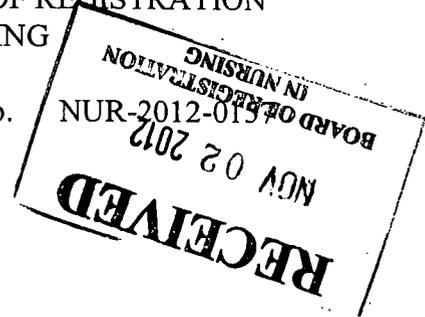
COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of
Mary Garboski
RN/NP License No. 137570

Docket No.



CONSENT AGREEMENT

The Massachusetts Board of Registration in Nursing (Board) and Mary Garboski (Licensee), a Registered Nurse licensed by the Board, License No. 137570, and Nurse Practitioner with advanced practice authorization by the Board (NP Authorization) do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee acknowledges that a complaint has been filed with the Board against her Massachusetts Registered Nurse license (license¹) and advanced practice authorization related to the conduct set forth in paragraph 2, identified as Docket No. NUR-2012-0157 (the Complaint).
2. The Licensee admits that while employed as an Advanced Practice Registered Nurse at a physician's office in Dracut, MA, during or about September 21, 2009 through August 2012, she,
 - a. Practiced, without a valid advanced practice certification; as of August 23, 2012 the Licensee remains employed, and has obtained both a Drug Controll Program and Drug Enforcement Agency controlled substance registration;
 - b. Submitted documentation to a school on behalf of a student who was not her patient;
 - c. Failed to provide evidence of continuing education to satisfy the Board's renewal requirements for the last two (2) renewal cycles
 - d. Failed to provide the Board with Advanced Practice Guidelines in accordance with 244 CMR 4.22 (5).

The Licensee acknowledges that her conduct constitutes failure to comply with the Board's Standards of Conduct at 244 Code of Massachusetts Regulations (CMR) 9.03(2), (31), and (47); 244 CMR 9.04 and M. G. L. 94C and warrants disciplinary action by the Board under Massachusetts General Laws (G.L.)

¹ The term "license" applies to both a current license and the right to renew an expired license.

Chapter 112, section 61 and Board regulations at 244 CMR 7.04, Disciplinary Actions.

3. The Licensee agrees to the **Surrender** of her RN license for no less than one (1) day. Further, the Licensee agrees to the Surrender of her APRN Authorization for no less than five (5) years commencing with the date on which the Board signs this Agreement (Effective Date).

One (1) day Surrender of RN License

4. After one (1) day, and when the Licensee can complete to the satisfaction of the Board all of the requirements set forth in this Paragraph, the Licensee may petition the Board for reinstatement of her RN license only. The petition must be in writing and must include the following documentation of the Licensee's ability to practice nursing in a safe and competent manner, all to the Board's satisfaction:
 - a. Evidence of completion of thirty (30) contact hours to satisfy the Board's licensure renewal requirement.
5. If and when the Board determines that the Licensee has complied to the Board's satisfaction with all the requirements contained in Paragraph 4, the Board shall send written notice to the Licensee² which shall terminate the Surrender Period for her RN license only.

Five Year Surrender of NP Authorization

6. After five (5) years, and when the Licensee can complete to the satisfaction of the Board all of the requirements set forth in this Paragraph, the Licensee may petition the Board for reinstatement of her NP Authorization. The petition must be in writing and must include the following documentation of the Licensee's ability to practice Advanced Practice Nursing in a safe and competent manner, all to the Board's satisfaction
 - a. Successful reactivation of certification by American Nurses Credentialing Center (ANCC);
 - b. Current Advanced Practice Guidelines, acceptable to the Board;
 - c. Submit documentation that she has successfully completed the following continuing education³
 - i. Three (3) contact hours in Critical Thinking and Judgment in Nursing; and

² In all instances where this Agreement specifies written notice to the Licensee from the Board, such notice shall be sent to the Licensee's address of record.

³ These continuing education courses must be *in addition to* any contact hours required for license renewal. They may be taken as home study or as correspondence course, *provided that* they meet the requirements of Board Regulations at 244 CMR 5.00, Continuing Education.

ii. Three (3) contact hours in Legal and Ethical Aspects of Advanced Practices

d. A signed affidavit that the Licensee has reviewed and understands 244 CMR 4.00.

7. If and when the Board determines that the Licensee has complied to the Board's satisfaction with all the requirements contained in Paragraph six (6), the Board shall send written notice to the Licensee⁴ which shall terminate the Surrender Period for her NP Authorization. The Licensee understands and agrees that her NP Authorization shall be placed on PROBATION for no less than **one (1) year** (Probationary Period) commencing immediately upon the date of reinstatement, which will be specified in the Board's notice of termination of the Suspension Period.
8. During the Probationary Period, the Licensee further agrees that she shall comply with all of the following requirements to the Board's satisfaction:
- a. Comply with all laws and regulations governing the practice of nursing, and not engage in any continued or further conduct such as that set forth in Paragraph 2.
 - b. Notify the Board in writing within ten (10) days of each change in her name and/or address.
 - c. Timely renew her license to practice nursing and advanced practice authorization.
 - d. Maintain active employment in a position that requires a nursing license, in a setting where the Licensee receives consistent, on-site supervision by a qualified licensed physician, for a minimum average of twenty (20) hours per week throughout the Probationary Period. The Licensee may not accept any home care, travel or temporary staffing assignment, or other practice assignment where consistent, on-site supervision is not in place.
 - i. Within 30 days of reinstatement, the Licensee shall notify the Board's Probation Monitor in writing if the Licensee is not employed in accordance with paragraph 8d.
 - e. Review this Agreement with each of her supervisors, and arrange for each nursing supervisor to submit directly to the Board:
 - i. a completed and signed "Supervisor Verification Form" (Form 1), provided with this Agreement, within thirty (30) days of

⁴ In all instances where this Agreement specifies written notice to the Licensee from the Board, such notice shall be sent to the Licensee's address of record.

- (1) reinstatement *and*
 - (2) any subsequent employment commenced during the Probationary Period
 - ii. *quarterly* written reports⁵, using the "Supervision Report Form" (Form 2) provided with this Agreement attesting to the quality of the Licensee's nursing practice, reliability and attendance and specifically addressing Licensee's compliance with licensure and certification requirements including any errors and incidents⁶.
 - f. Notify the Board's Probation Monitor in writing within ten (10) days of any change in the Licensee's employment status, including each change in Employer, each resignation or termination, and the name, address and telephone number of each new Employer.
9. If and when the Board determines that the Licensee has complied to the Board's satisfaction with all the requirements contained in Paragraph 8, and no earlier than **one (1) year** after the date of reinstatement, the Board shall send written notice to the Licensee which shall terminate the Probationary Period.
10. If the Licensee does not comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint⁷ during either the Surrender Period or the Probationary Period, the Licensee agrees to the following:
- a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare:
 - i. EXTEND the Surrender Period and/or the Probationary Period; and/or
 - ii. MODIFY the Surrender Period and/or the Probationary Period requirements; and/or
 - iii. IMMEDIATELY SUSPEND the Licensee's nursing license.
 - b. If the Board suspends the Licensee's nursing license pursuant to Paragraph 10(a)(iii), the suspension shall remain in effect until:

⁵ The Licensee is responsible for ensuring that these reports on the required form are received by the Board commencing ninety (90) days reinstatement and on the first day of every third month thereafter.

⁶ The Board may take action under paragraph 7 in the event that the reports reveal a practice issue which the Board deems significant.

⁷ The term "Subsequent Complaint" applies to a complaint opened after the Effective Date, which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

- i. the Board gives the Licensee written notice that the Probationary Period is to be resumed and under what terms; or
 - ii. the Board and the Licensee sign a subsequent agreement; or
 - iii. the Board issues a written Final Decision and Order following adjudication of the allegations (1) of noncompliance with this Agreement, and/ or (2) contained in the Subsequent Complaint.
11. The Licensee agrees that if the Board suspends her nursing license or Advanced Practice Authorization in accordance with Paragraph 10, she will immediately return her current Massachusetts license to practice as a Registered Nurse and Advanced Practice Authorization to the Board, by hand or certified mail. The Licensee further agrees that during the Suspension Period and/or upon suspension, she will no longer be authorized to engage in the practice of nursing in the Commonwealth of Massachusetts and shall not in any way represent herself as a Registered Nurse or Advanced Practice Nurse until such time as the Board reinstates her license⁸.
12. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Agreement it will not prosecute the Complaint.
13. The Licensee understands that she has a right to formal adjudicatory hearing concerning the Complaint 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, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further understands that by executing this Agreement she is knowingly and voluntarily waiving her right to a formal adjudication of the Complaints.
14. The Licensee acknowledges that she has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
15. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. The Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.

⁸ Any evidence of unlicensed practice or misrepresentation as a Registered Nurse or Advanced Practical Nursing during the Suspension period and/or after the Board has notified the Licensee of her license suspension shall be grounds for further disciplinary action by the Board and the Board's referral of the matter to the appropriate law enforcement authorities for prosecution, as set forth in G.L. c. 112, §§ 65 and 80.

16. The Licensee certifies that she has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

[Signature] 10/29/12 Mary Garboski 10/29/12
Witness (sign and date) Licensee (sign and date)

Francis Garboski
Witness (print name)

[Signature]
Rula Harb, MSN, RN
Executive Director
Board of Registration in Nursing

May 15, 2013
Effective Date of Suspension followed by Probation Agreement

Fully Signed Agreement Sent to Licensee on July 31, 2014 by Certified
Mail No. 7014 0510 0001 0374 8650