



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.

COMMONWEALTH OF MASSACHUSETTS

aw [signature] 01/4/15
Authorized Signature Date

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of
Leo C. Sullivan
License No. RN218409
Expire 02/14/14

Docket No. NUR- 2013-0181

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Nursing (Board) and Leo C. Sullivan (Licensee), a Registered Nurse (RN) licensed by the Board, License No. RN21840, 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 his Massachusetts Registered Nurse license (license¹) related to the conduct set forth in paragraph 2, identified as Docket No. NUR-2013-0181 (Complaint).
2. The Licensee admits that while employed as a Registered Nurse at Farren Care Center in Turners Falls, MA on or about August 21, 2012, he engaged in improper and unsafe medication practices. In addition, the Licensee admits that in May and June 2013, in the Holyoke District Court Department of the Trial Court of the Commonwealth of Massachusetts, Docket Nos. 1317CR001966A and 1317CR001809B, he admitted to sufficient facts on the charges of Possession of a Class A Controlled Substance Heroin in violation of G.L. c. 94C, §34. The matters were continued without a finding on January 1, 2015 pending successful completion of supervised probation. The probation conditions required random drug testing and counseling. Both cases have been closed.

The Licensee acknowledges that his conduct constitutes failure to comply with the Board's Standards of Conduct at 244 Code of Massachusetts Regulations (CMR) 9.03(5), (35), (38), (39), (44) and (47) and warrants disciplinary action by the Board under Massachusetts General Laws (G.L.) Chapter 112, section 61 and Board regulations at 244 CMR 7.04, Disciplinary Actions.

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

3. The Licensee agrees to **SURRENDER** his nursing license for an indefinite period commencing with the date on which the Board signs this Agreement (Effective Date).
4. After the Surrender Period 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 his license. 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 all continuing education required by Board regulations for the two (2) renewal cycles immediately preceding the date on which the Licensee submits his petition ("petition date");
 - b. A performance evaluation sent directly to the Board from each of the Licensee's employers, prepared on official letterhead that reviews the Licensee's attendance, general reliability, and specific job performance during the year immediately prior to the petition date².
 - c. Written verification sent directly to the Board from each of the Licensee's medical care providers, which meets the requirements set forth in Attachment **B1**;
 - d. Authorization for the Board to obtain a Criminal Offender Record Information (CORI) report of the Licensee conducted by the Massachusetts Department of Criminal Justice Information Services.
 - e. Documentation that the Licensee has completed, at least one (1) year prior to the petition date, all requirements imposed upon him in connection with all criminal and/or administrative matter(s) arising from, or related to, the conduct identified in Paragraph 2³. Such documentation shall be certified and sent directly to the Board by the appropriate court or administrative body and shall include a description of the requirements and the disposition of each matter.
 - f. Certified documentation from the state board of nursing of each jurisdiction in which the Licensee has ever been licensed to practice as a nurse, sent directly to the Massachusetts Board identifying his license status and discipline history, and verifying that his nursing license is, or is eligible to be, in good standing and free of any restrictions or conditions.

² If the Licensee has not been employed during the year immediately prior to the petition date, Licensee shall submit an affidavit to the Board so attesting.

³ If there have been no criminal or administrative matters against the Licensee arising from or in any way related to the conduct identified in Paragraph 2, the Licensee shall submit an affidavit so attesting.

- g. Submit documentation that he has successfully completed the following continuing education⁴:
- i. Six (6) contact hours of continuing education on the topic of Medication Administration and Documentation in Nursing.
 - ii. Three (3) contact hours of continuing education on the topic of Legal and Ethical Aspects of Nursing.
 - iii. Three (3) contact hour of continuing education on the topic of Critical Thinking and Judgment in Nursing Practice.
 - iv. Three (3) contact hour of continuing education on the topic of Pain Management in Nursing.

5. In addition to the items identified in Paragraph 4, the Licensee shall submit *either* a substance abuse (addictionologists) evaluation, prepared within thirty (30) days of the petition date and sent directly to the Board, which meets the requirements set forth in **Attachment B 3**, and verifies that the Licensee does not have and has never had any type of substance abuse, dependency or addiction problem *or* the following documentation of the Licensee's stable and fully sustained recovery from substance abuse, dependency and/or addiction for two (2) years immediately prior to the petition date, all to the Board's satisfaction:

- a. The results of random supervised urine tests for substances of abuse sent directly to the Board and collected from the Licensee according to the conditions and procedures outlined in **Attachment A**, no less than fifteen (15) times per year during the two (2) years immediately preceding the petition date. All such results are required to be negative.
- b. Documentation that the Licensee has obtained a sponsor and has regularly attended Alcoholics Anonymous (AA) and/or Narcotics Anonymous (NA) meetings at least three (3) times per week during the the two (2) years immediately preceding the petition date. This documentation must include a letter of support from the Licensee's sponsor and signatures verifying the required attendance.
- c. Documentation prepared within thirty (30) days of the petition date and sent directly to the Board from a licensed mental health provider verifying that the Licensee has regularly attended group or individual counseling or therapy, or both, conducted by the mental health provider. Such documentation shall

⁴ 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.

specify the frequency and length of the therapy and/or counseling and shall include a summary of the Licensee's progress in therapy and specific treatment recommendations for the Licensee's sustained recovery from substance abuse, dependency and addiction.

6. The Board may choose to reinstate the Licensee's license if the Board determines that reinstatement is in the best interests of the public at large. Any reinstatement of the Licensee's license may be conditioned upon the Licensee entering into a consent agreement for the PROBATION of his license for one (1) year including other requirements that the Board determines at the time of relicensure to be reasonably necessary in the best interests of the public health, safety and welfare.
7. The Licensee agrees that he will not practice as a Registered Nurse in Massachusetts from the Effective Date unless and until the Board reinstates his license⁵.
8. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the complaint.
9. The Licensee understands that he has a right to formal adjudicatory hearing concerning the allegations against him and that during said adjudication he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his 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 he is knowingly and voluntarily waiving his right to a formal adjudication of the complaints.
10. The Licensee acknowledges that he has been at all times free to seek and use legal counsel in connection with the complaint and this Agreement.
11. 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.

⁵ The Licensee understands that practice as a Registered Nurse includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a Registered Nurse or a paid or voluntary position requiring that the applicant hold a current Registered Nurse license. The Licensee further understands that if he accepts a voluntary or paid position as a Registered Nurse or engages in any practice of nursing after the Effective Date and before the Board formally reinstates his license, evidence of such practice shall be grounds for the Board's referral of any such unlicensed practice to the appropriate law enforcement authorities for prosecution, as set forth in G. L. c. 112, ss. 65 and 80.

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

Leo C. Sullivan 5/27/15
Leo C. Sullivan (sign and date)

RAYMOND LEONARD
Witness Print Names 5/27/15

Raymond H. Leonardi 5/27/15
Witness (sign and date)

Rula Harb / VPB
Rula Harb, MSN, RN
Executive Director
Board of Registration in Nursing

6.2.15
Effective Date of Surrender Agreement

Fully Signed Agreement Sent to Licensee on June 2, 2015 by Certified

Mail No. 7012-3460-0002-3702-7361

COMMONWEALTH OF MASSACHUSETTS



SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

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

Leo C. Sullivan 4/21/15
Authorized Signature Date

In the Matter of)
LEO C. SULLIVAN)
RN License No. 218409)
License expiration date 2/14/2014)

Docket No. NUR-2013-0181

CONSENT AGREEMENT FOR SURRENDER FOLLOWED BY PROBATION

The Massachusetts Board of Registration in Nursing (Board) and Leo C. Sullivan (Licensee), a Registered Nurse (RN) licensed by the Board, License No. 218409 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 his Massachusetts Registered Nurse license (license¹) related to the conduct set forth in paragraph 2, identified as Docket No. NUR-2013-0181 (the Complaint).
2. The Licensee admits that while employed as a Registered Nurse at Farren Care Center in Turners Falls, MA on or about August 21, 2012, he engaged in improper and unsafe medication practices. In addition, the Licensee admits that in May and June of 2013, in the Holyoke District Court Department of the Trial Court of the Commonwealth of Massachusetts, Docket Nos. 1317CR001966A and 1317CR001809B, he admitted to sufficient facts on the charges of Possession of a Class A Controlled Substance Heroin in violation of G.L. c. 94C, §34. The matters were continued without a finding to January 15, 2015 pending successful completion of supervised probation. The probation conditions required random drug testing and counseling. Both cases have been closed.

The Licensee acknowledges that his conduct constitutes failure to comply with the Board's Standards of Conduct at 244 Code of Massachusetts Regulations (CMR) 9.03(5), (35), (38), (39), (44) and (47) and warrants disciplinary action by the Board under Massachusetts General Laws (G.L.) Chapter 112, section 61 and Board regulations at 244 CMR 7.04, Disciplinary Actions.

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

3. The Licensee hereby acknowledges that he has been offered an opportunity to be evaluated for admission into the Board's Substance Abuse Rehabilitation Program (SARP) as an alternative to entering into this Agreement and further acknowledges that he has declined the opportunity.
4. The Licensee agrees to SURRENDER his nursing license for an indefinite period, commencing with the date on which the Board signs this Agreement (Effective Date).
5. After the Effective Date of this Agreement 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 his license. 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 all continuing education required by Board regulations for the two (2) renewal cycles immediately preceding the date on which the Licensee submits his petition ("petition date");
 - b. Documentation that he has successfully completed the following continuing education²,
 - i. six (6) contact hours on Medication Administration and Documentation in Nursing,
 - ii. three (3) contact hours on Legal and Ethical Aspects of Nursing;
 - iii. three (3) contact hours on Pain Management in Nursing; and
 - iv. three (3) contact hours on Critical Thinking and Judgment in Nursing Practice
6. If and when the Board determines that the Licensee has complied to the Board's satisfaction with all the requirements contained in Paragraph 5, the Board shall send written notice to the Licensee³ which shall terminate the Surrender Period. The Licensee understands and agrees that his license 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 Surrender Period.

² 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.

³ 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.

7. During the Probationary Period, the Licensee further agrees that he 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 his name and/or address.
 - c. Timely renew his license to practice nursing.
 - 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 nurse⁴, 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 7d.
 - e. Review this Agreement with each of his nursing 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
 - (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 documentation and administration of medications, including any errors and incidents⁶.

⁴ The Licensee must receive direct supervision from a licensed nurse who must have at least one (1) year of clinical nursing practice experience, no open complaints, no past discipline of the nurse's license, and who is physically located at all times in each facility in which the Licensee practices nursing.

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.

- 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.
- g. Demonstrate either absence of, or successful, ongoing treatment for, substance abuse, by:
 - i. Having submitted directly to the Board, according to the terms set forth in **Attachment A**, the results of random, supervised urine tests for substances of abuse, collected from the Licensee no less than fifteen (15) times per year during the Probation Period, all of which are required to be negative.
 - ii. Abstaining from the use of alcohol and all substances of abuse or substances with potential for abuse.
 - iii. If prescribed any controlled substance, notifying the Board within five (5) days and arrange for the prescriber to submit immediately thereafter and directly to the Board a written statement of the kind and amount of each controlled substance prescribed with medical necessity for each such prescription.
 - iv. Regularly participating in therapy or counseling, or both, with a licensed mental health provider who has reviewed this Probation Agreement and in accordance with a schedule determined by said provider. Arrange for the provider to submit directly to the Board on a *quarterly* basis, a signed and dated report of the Licensee's progress in therapy or counseling, or both, and verification of the Licensee's stable and sustained recovery from substance abuse, dependence and addiction including a statement of the frequency and length of therapy and counseling, and specific treatment recommendations for the Licensee's sustained recovery.
 - v. Obtaining a sponsor and participating in Alcoholics Anonymous (AA) and/or Narcotics Anonymous (NA) meetings at least three (3) times per week, and arrange for his sponsor to submit on a *quarterly* basis directly to the Board documentation satisfactory to the Board of such participation and the Licensee's sustained recovery.
 - vi. Having no access at his place of employment to any controlled substances in Schedules II through V for one (1) year; and at the end of one (1) year, a mutually agreed upon plan developed by the Licensee and his employer governing the Licensee's access to controlled substances shall be submitted to the Board for its review and approval.

8. If and when the Board determines that the Licensee has complied to the Board's satisfaction with all the requirements contained in Paragraph 7, 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.
9. 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 9(a)(iii), the suspension shall remain in effect until:
 - 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.
 - c. If the Licensee fails to comply with the requirements of paragraph 7g, the Licensee understands and agrees that his nursing license shall be surrendered for a minimum three (3) year period immediately effective upon written notice from the Board. The Licensee further agrees that conditions for reinstatement of his license shall include, at a minimum, the results of at least fifteen (15) random urine tests per year, in accordance with the terms set forth in Attachment A, regular participation in AA/NA and/or therapy, and health care provider and employer evaluations.
10. The Licensee agrees during the Surrender Period and/or if the Board suspends his nursing license in accordance with Paragraph 9, he will immediately return his Massachusetts license to practice as a Registered Nurse to the Board, by hand or

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.

certified mail. The Licensee further agrees that during the Surrender Period and/or upon suspension, he will no longer be authorized to engage in the practice of nursing in the Commonwealth of Massachusetts and shall not in any way represent himself as a Registered Nurse until such time as the Board reinstates his license⁸.

11. 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.
12. The Licensee understands that he has a right to formal adjudicatory hearing concerning the Complaints and that during said adjudication he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his 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 he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaints.
13. The Licensee acknowledges that he has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
14. 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.
15. The Licensee certifies that he 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.

Michael Solivere 4-6-15
Witness (sign and date)

Michael Solivere
Witness (print name)

Leo C. Sullivan 4/16/15
Leo C. Sullivan
Licensee (sign and date)

Rula Harb 4/14/15
Rula Harb, MSN, RN
Executive Director
Board of Registration in Nursing

⁸ Any evidence of unlicensed practice or misrepresentation as a Registered Nurse during the Surrender period and/or after the Board has notified the Licensee of his 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.

April 14, 2015
Effective Date of Surrender followed by Probation Agreement

Fully Signed Agreement Sent to Licensee on April 15, 2014 by

Certified Mail No. 7012-3460-0002-3703-0682