



The Commonwealth of Massachusetts  
 Executive Office of Health and Human Services  
 Department of Public Health  
 Division of Health Professions Licensure  
 239 Causeway Street, Suite 500, Boston, MA 02114

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June 18, 2014

**RECEIVED**

JUN 18 2014

BY FIRST CLASS AND CERTIFIED MAIL RETURN  
 RECEIPT REQUESTED NO. 7014 0510 0001 0375 2770

Mr. Brett C. Eisenhauer

redact

OFF. PUBLIC PROTECTION



VIA FIRST CLASS AND CERTIFIED MAIL RETURN

RECEIPT REQUESTED NO. 7014 0510 0001 0375 2770

Mr. Brett C. Eisenhauer

redact

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.

*[Signature]* 9/17/14  
 Authorized Signature Date

**RE: In the Matter of Brett C. Eisenhauer, LN License No. 88635  
 Board of Registration in Nursing Docket No. NUR-2013-0145**

Dear Mr. Eisenhauer:

Enclosed is the "corrected" *Final Decision and Order by Default ("Final Decision")* issued by the Board of Registration in Nursing ("Board") in connection with the above-referenced matter. The correction is on page 5; the Board meeting was held on June 11, 2014, not May 14, 2014. The effective date of the Board's Order is ten (10) days from the date appearing on page 6 of the *Final Decision* ("Date Issued"). Your appeal rights are noted on page 6 of the *Final Decision*.

Sincerely,

*[Signature]*

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

Enc.

cc: Beth A. Oldmixon, Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN NURSING

\_\_\_\_\_  
In the Matter of )  
Brett C. Eisenhauer )  
LN License No. 88635 )  
License Expired 6/29/2013 )

Docket No. NUR-2013-0145

FINAL DECISION AND ORDER BY DEFAULT

On April 3, 2014, the Board of Registration in Nursing (“Board”) issued and duly served on Brett C. Eisenhauer (“Respondent”), an Order to Show Cause (“Show Cause Order”) <sup>1</sup> related to a complaint filed regarding Respondent’s license. In addition to stating the allegations against Respondent, the Show Cause Order notified Respondent that an Answer to the Show Cause Order (“Answer”) was to be submitted within 21 days of receipt of the Show Cause Order. <sup>2</sup> The Show Cause Order also notified Respondent of the right to request a hearing on the allegations, <sup>3</sup> and that any hearing request (“Request for Hearing”) was to be submitted within 21 days of receipt of the Show Cause Order. <sup>4</sup> Respondent was further notified that failure to submit an Answer within 21 days “shall result in the entry of default in the above-captioned matter” and, if defaulted, “the Board may enter a Final Decision and Order that assumes the truth of the allegations in the Show Cause Order and may revoke, suspend, or take other disciplinary action against [Respondent’s] license...including any right to renew [Respondent’s] license.” A copy of the Show Cause Order is attached to this Final Decision and Order by Default and is incorporated herein by reference.

As of the date of this Final Decision and Order by Default, Respondent has failed to file either an Answer or a Request for Hearing.

The Board has afforded Respondent an opportunity for a full and fair hearing on the allegations in the Show Cause Order as required by M.G.L. c. 30A, § 10, and

<sup>1</sup> Pursuant to 801 CMR 1.01(6)(a).

<sup>2</sup> In accordance with 801 CMR 1.01(6)(d)(2).

<sup>3</sup> Pursuant to M.G.L. c. 112, § 61.

<sup>4</sup> Respondent was also notified that failure to timely submit a Request for Hearing would constitute a waiver of the right to a hearing.

sufficient notice of the issues involved to afford Respondent reasonable opportunity to prepare and present evidence and argument as required by M.G.L. c. 30A, § 11(1). The Board has also notified Respondent of the obligation under 801 CMR 1.01(6)(d) to file an Answer to the Show Cause Order within 21 days of its receipt and of the consequences of failing to file an Answer or otherwise respond.

As authorized by M.G.L. c. 30A, § 10(2), the Board may make informal disposition of any adjudicatory proceeding by default. Upon default, the allegations of the complaint against Respondent are accepted as true. *Danca Corp. v. Raytheon Co.*, 28 Mass. App. Ct. 942, 943 (1990).

Based on the foregoing, the Board enters a default in the above-captioned matter and, consequently, the allegations in the Order to Show Cause are deemed to be true and Respondent has waived the right to be heard. In accordance with the Board's authority and statutory mandate, the Board orders as follows:

#### ORDER

Based on its Final Decision by Default, the Board **Revokes** Respondent's Right to Renew his Massachusetts License to practice as a Licensed Practical Nurse, LPN License No. 88635 for a minimum of five (5) years<sup>5</sup>.

If Respondent renews her license to practice as a Licensed Practical Nurse in Massachusetts before the Effective Date of this Final Decision and Order by Default, the Board Revokes said license, LPN License No. 88635.

Respondent is hereby ordered to return any nursing license issued to her by the Board, whether current or expired, to the Board's office at 239 Causeway Street, Boston, Massachusetts 02114, by hand or by certified mail, within five (5) days of the Effective Date set forth below.

Respondent shall not practice as a Licensed Practical Nurse in Massachusetts on or after the Effective Date of this Order. "Practice as a Licensed Practical Nurse"

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<sup>5</sup> Based on lying on application.  
Eisenhauer, Brett  
LN88635  
NUR-2013-0245

includes, but is not limited to, seeking and accepting a paid or voluntary position as a Licensed Practical Nurse or in any way representing himself as a Licensed Practical Nurse in Massachusetts. The Board shall refer any evidence of unlicensed practice to appropriate law enforcement authorities for prosecution as provided by G.L. c. 112, §§ 65 and 80A.

Respondent may petition the Board in writing for relicensure when he can provide documentation **satisfactory to the Board** demonstrating his ability to practice nursing in a safe and competent manner. Such documentation shall include evidence that Respondent has been in stable and sustained recovery from all substances of abuse for the three (3) years immediately preceding any petition for relicensure. Accordingly, Respondent shall with any petition for relicensure have submitted **directly to the Board**:

- 1) the results of random supervised urine tests for substances of abuse for Respondent, collected no less than fifteen (15) times per year, according to the requirements outlined in Attachment A, during the two (2) years immediately preceding the petition for relicensure, all of which are required to be negative;
- 2) documentation that Respondent obtained a sponsor and regularly attended Alcoholics Anonymous (AA) and/or Narcotics Anonymous (NA) meetings at least three (3) times per week during the two (2) years immediately preceding any petition for license reinstatement, such documentation to include a letter of support from the Respondent's sponsor and weekly signatures verifying this required attendance;
- 3) documentation verifying that he has regularly attended group or individual counseling or therapy, or both, during the two (2) years immediately preceding any petition for relicensure;<sup>6</sup>

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<sup>6</sup> Such documentation shall be completed by each licensed mental health professional seen by Respondent, and shall be written within thirty (30) days preceding any petition for relicensure. Further, such documentation shall include: a summary of Respondent's progress in therapy and her full, sustained recovery from substance abuse, dependence and addiction; a statement of the frequency and length of therapy; and specific treatment recommendations for Respondent's full, sustained recovery from substance abuse, dependence and addiction.

- 4) reports from Respondent's primary care provider and any specialist(s) whom Respondent may have consulted verifying that Respondent is medically able to resume the safe and competent practice of nursing, which meets the requirements set forth in Attachment B 1.
- 5) if employed during the year immediately preceding Respondent's petition for relicensure, have each employer from said year submit on official letterhead an evaluation reviewing Respondent's attendance, general reliability, and overall job performance;<sup>7</sup>
- 6) certified Court and/or Agency documentation that there are no pending actions or obligations, criminal or administrative, against the Respondent before any court or Administrative Agency including, but not limited to:
  - a. Documentation that *at least one (1) year prior to any petition for reinstatement* the Respondent satisfactorily completed all court requirements (including probation) imposed on her/him in connection with any criminal matter and a description of those completed requirements and/or the disposition of such matters;<sup>8</sup> and
  - b. Certified documentation from the North Carolina Board of Nursing verifying that the Respondent successfully met all requirements imposed by the North Carolina Board in connection with their discipline of his nursing license and that his North Carolina license is, or is eligible to be, reinstated in good standing and free of any restrictions or conditions.<sup>9</sup>

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<sup>7</sup> If Respondent wasn't employed at all during this period, submit an affidavit so attesting.

<sup>8</sup> The Respondent shall also provide, if requested, an authorization for the Board to obtain a Criminal Offender Record Information (CORI) Report of the Respondent conducted by the Massachusetts Criminal History Systems Board and a sworn written statement that there are no pending actions or obligations, criminal or administrative, against the Respondent before any court or administrative body in any other jurisdiction.

<sup>9</sup> Respondent shall also submit certified documentation from the state board of nursing of each jurisdiction in which the Respondent has ever been licensed to practice as a nurse, other than North Carolina, sent

- 7) documentation satisfactory to the Board of his successful completion of all continuing education equivalent to the continuing education required by Board regulations for the two (2) license renewal cycles immediately preceding any petition for relicensure.

The Board's approval of Respondent's petition for relicensure shall be conditioned upon, and immediately followed by, probation of Respondent's nursing license for a period of two (2) years with continued random urine screens, as well as other restrictions and requirements that the Board may then determine are reasonably necessary in the best interests of the public health, safety, and welfare.

The Board may choose to relicensure Respondent if the Board determines that relicensure is in the best interests of the public at large.

The Board voted to adopt the within Final Decision by Default at its meeting held on June 11, 2014, by the following vote: **In favor:**, P. Gales, RN, K. Gehly, RN, S. Kelly, RN/NP, J. Killion, LPN, B. Levin, RN, A. Peckham, RN, MSN, E. Richard Rothmund, C. Simonian, PharmD, R.Ph., S. Taylor, MSN, RN, C. Tebaldi, RN, MS **Opposed:** None **Abstained:** None **Absent:** M. Beal, RN/NM

The Board voted to adopt the within Final Order by Default at its meeting held on June 11, 2014, by the following vote: **In favor:**, P. Gales, RN, K. Gehly, RN, S. Kelly, RN/NP, J. Killion, LPN, B. Levin, RN, A. Peckham, RN, MSN, E. Richard Rothmund, C. Simonian, PharmD, R.Ph., S. Taylor, MSN, RN, C. Tebaldi, RN, MS **Opposed:** None **Abstained:** None **Absent:** M. Beal, RN/NM

EFFECTIVE DATE OF ORDER

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directly to the Massachusetts Board, identifying her license status and discipline history, and verifying that her nursing license is, or is eligible to be, in good standing and free of any restrictions or conditions.

This Final Decision and Order by Default becomes effective upon the tenth (10<sup>th</sup>) 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 by Default to the Supreme Judicial Court 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

Date Issued: June 18, 2014

Rula Harb

Rula Harb, MSN, RN

Executive Director

Notified:

VIA FIRST CLASS AND CERTIFIED MAIL RETURN  
RECEIPT REQUESTED NO.

Mr. Brett C. Eisenhauer

redact

VIA FIRST CLASS AND CERTIFIED MAIL RETURN  
RECEIPT REQUESTED NO.

Mr. Brett C. Eisenhauer

redact

BY HAND DELIVERY

Beth A. Oldmixon, Esq.  
Prosecuting Counsel