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

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

Tel: 617-973-0900
TTY : 617-973-0988
http://www.mass.gov/dph/boards/rn

MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

March 2, 2016

Cindy Martin
redact

Certified mail 7014 2120 0002 1353 6524

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.

Authorized Signature 3/3/16 Date

RE: In the Matter of Cindy Martin
License No. LN64077
NUR-2014-0074 and NUR-2015-0148

FINAL NOTICE OF SUSPENSION

Dear Ms. Martin:

On November 16, 2015, you entered into a Consent Agreement Not To Practice -Bridge Agreement ("Agreement") with the Board of Registration in Nursing ("Board"). The Agreement obligated you to complete the Substance Abuse Rehabilitation Program's ("SARP") admission process within ninety (90) days. Failure to comply would result in immediate suspension of your nursing license. A copy of the Agreement is enclosed.

On February 22, 2016, the Board sent you a Notice of Violation and Further Discipline ("Notice"). A copy of the Notice is enclosed with this letter. The Notice informed you that you are in violation of the Agreement and listed the facts supporting the determination that you are in violation. The Notice also informed you that the Board intended to exercise its discretion under the Agreement and suspend your license. The Notice informed you that you had a right to a hearing on the limited issue of whether you are in compliance with, or in violation of, the terms of the Agreement. Lastly, the Notice informed you that to claim your right to a hearing, you needed to submit a written statement of facts and request for a hearing within seven (7) days.

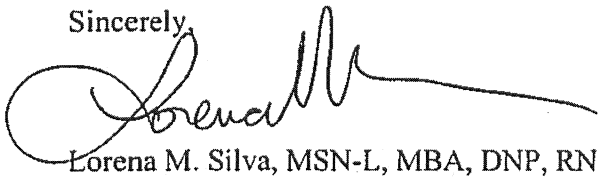
As of the date of this letter, the Board has not received from you a written statement of facts and request for a hearing. Accordingly, you have waived your right to a hearing. Effective March 2, 2016, pursuant to paragraph 6 of the Agreement, the Board **SUSPENDS your license to**

practice nursing for no less than three (3) years. You may not practice as a nurse in Massachusetts until the Board provides you written notice that it has reinstated your licenses.

You may petition the Board to reinstate your licenses in three (3) years and when you can provide documentation of your full and sustained recovery. Please review paragraph 7 and 8 of the Agreement for guidance on information and documents that you will need to include with your petition. You may also contact Traci Westgate at (617)973-0894 if you have any questions regarding license reinstatement.

This notice constitutes a final agency action. You are hereby notified that you have a right to appeal this *Final Notice of Suspension* within thirty (30) days of your receipt of this notice, either to the Superior Court for Suffolk County or the county where you reside pursuant to M.G.L. c. 30A, § 14, or to the Supreme Judicial Court pursuant to M.G.L. c. 112, §64.

Sincerely,



Lorena M. Silva, MSN-L, MBA, DNP, RN
Executive Director
Board of Registration in Nursing

Enclosures

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

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MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

Tel: 617-624-6000
www.mass.gov/dph

February 22, 2016

Cindy Martin
redact

Certified mail 7014 2120 0002 1353 6449

RE: In the Matter of Cindy Martin
License No. LN64077
NUR-2014-0074 and NUR-2015-0148

NOTICE OF VIOLATION AND FURTHER DISCIPLINE

Dear Ms. Martin

On November 16, 2015, you entered into a Consent Agreement Not To Practice -Bridge Agreement ("Agreement") with the Board of Registration in Nursing ("Board"). The Agreement obligated you to complete the Substance Abuse Rehabilitation Program's ("SARP") admission process within ninety (90) days. Failure to comply would result in immediate suspension of your nursing license. A copy of the Agreement is enclosed.

On January 22, 2016, the SARP Coordinator sent you a letter to remind you that you had not completed the SARP admission process. A copy of the letter is enclosed.

You are in violation of the Agreement. Under Paragraph 6 of the Agreement, the Board may impose further discipline against your license in the event that you violate any provision of the Agreement. You are hereby notified that the Board will exercise its discretion under the Agreement and **SUSPEND your license, effective in seven (7) days.**

The basis for the Board's contention that you are in violation of the Agreement is as follows:

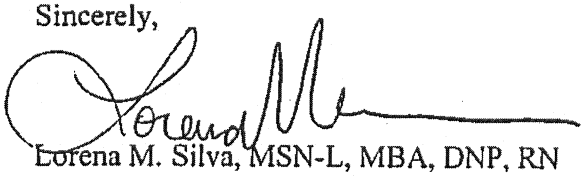
1. Paragraph 4(c) of the Agreement states "The Licensee understands and agrees that she must meet and agree to all SARP eligibility requirements AND be admitted into SARP within ninety (90) days after the Non-Disciplinary Action Effective Date (Bridge Period).
    - *You have failed to complete the SARP admission process.*

You have a right to a hearing on the limited issue of whether you are in compliance with, or in violation of, the terms of the Agreement. You may claim your right to a hearing by submitting a written statement to the Board within seven (7) days of receipt of this letter. Your written statement must include facts, which support the determination that you are in compliance, and not in violation, with the provisions of the Agreement identified above. Your written statement must also include a request for a hearing. Please send your written statement to:

Olajumoke Atueyi, Esq.
Board Counsel
Board of Registration in Nursing
239 Causeway Street, Suite 500
Boston, MA 02114

<u>Failure to submit a written statement of facts and request for a hearing within seven (7) days shall constitute a waiver of your right to a hearing on the issue of your violation of the Agreement.</u>

Sincerely,



Lorena M. Silva, MSN-L, MBA, DNP, RN
Executive Director
Board of Registration in Nursing

Enclosures

The Commonwealth of Massachusetts
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MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

Sent Via U.S. First Class Regular and Certified Mail No. 7015 1660 0001 1911 2513

January 22, 2016

Cindy Martin
redact

Dear Ms. Martin,

I did not receive your SARP Evaluation from the Designated Provider at Adcare in Quincy, MA. If I do not receive the Evaluation by January 29, 2016 you risk being terminated from the SARP Admission Process. You agreed to complete the SARP Admission Process within 90 days and if you fail to be admitted into SARP your nursing license will be suspended.

Please contact me as soon as you receive this letter.

Sincerely,

Valerie Iyawe, RN, BA, BSN, MBA
SARP Coordinator
Massachusetts Board of Registration in Nursing
Division of Health Professions Licensure
Department of Public Health
239 Causeway Street
Suite 500, 5th floor
Boston, MA 02114
Tel: 617-973-0904
Fax: 617-973-0984

Encl
Consent Agreement Not to Practice

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of CINDY MARTIN LN License No.: 64077 License expiration: August 7, 2017	Docket Nos. NUR-2014-0074 NUR-2015-0148

CONSENT AGREEMENT NOT TO PRACTICE
(BRIDGE AGREEMENT)

The Massachusetts Board of Registration in Nursing (Board) and Cindy Martin (Licensee), a Licensed Practical Nurse (LPN) licensed by the Board, License No. 64077, 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 complaint(s) have been filed with the Board against her Massachusetts Licensed Practrical Nurse license (license), identified as Docket Nos. NUR-2014-0074 and NUR-2015-0148 (Complaint).[1]

2. The Licensee acknowledges that this Consent Agreement Not to Practice (Agreement) is entered into in resolution of the Board's investigation of the above-referenced Complaint(s).

3. The Licensee admits that if this matter proceeded to hearing the Board could find as follows:

    a. While licensed as a License Practical Nurse, No. 64077; and

    b. While employed at various nursing facilities and rehabilitation centers in Massachusetts, from June, 2008 to June, 2015, respectively, the Licensee engaged in a pattern of improper and unsafe handling, tampering, administration, documentation and diversion of narcotic controlled substances, other prescribed medication(s) and substances of abuse as the Licensee has substance abuse issue(s).

The Licensee acknowledges that her conduct constitutes failure to comply with the Board's Standards of Conduct at 244 Code of Massachusetts Regulations

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

(CMR) 9.03(5), (6), (9), (15), (35), (37), (38), (39), (44) and (47), and warrants disciplinary action by the Board under Massachusetts General Laws (G.L.) c. 112, § 61 and Board regulations at 244 CMR 7.04, Disciplinary Actions.

4. Prior to and in conjunction with signing this Agreement, the Licensee has submitted a signed, completed application for admission into the Board's Substance Abuse Rehabilitation Program (SARP) and her paper license to the SARP personnel. The Licensee agrees that she shall comply with all of the following requirements to the Board's satisfaction:

    a. The Licensee will not practice as a Registered Nurse in Massachusetts after the Effective date of this Agreement (Non-Disciplinary Action Effective Date);[2]

    b. The Licensee will notify the Board in writing within ten (10) days of any change of her name and/or address; and

    c. The Licensee understands and agrees that she must meet and agree to all SARP eligibility requirements AND be admitted into SARP within ninety (90) days after the Non-Disciplinary Action Effective Date (Bridge Period).

5. The Board agrees that in return for the Licensee's execution of this Agreement, ***a non-disciplinary action***, it will not prosecute the Complaint(s).

6. If the Licensee fails to be admitted into SARP during the Bridge Period, the Board will immediately SUSPEND the Licensee's Massachusetts nursing license, ***a disciplinary action***, and give her written notification of such suspension.[3] The Suspension will be effective upon the earliest date that:

    a. the Bridge Period expires; *or*

    b. the Licensee withdraws from the SARP admission process; *or*

    c. SARP terminates the Licensee from its admission process;

    On the Suspension Effective Date, the SARP personnel will forward the Licensee's paper license to the Board.

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[2] 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 she 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 terminates this Agreement, 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, §§ 65 and 80.

[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. Any suspension of the Licensee's nursing license under Paragraph 6 above will continue for a minimum of three (3) years (Suspension Period). After three years and when the Licensee can complete to the Board's satisfaction all of the following, set forth in Paragraph 7 (a) – (f), the Licensee may petition the Board for reinstatement of her 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:

    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 her petition (petition date);

    b. A performance evaluation sent directly to the Board from each of the Licensee's non-nursing employers, prepared on official letterhead, which reviews the Licensee's attendance, general reliability and specific job performance during the year immediately prior to the petition date;[4]

    c. Written verification sent directly to the Board from each of the Licensee's medical care providers, as outlined in Attachment B-1, prepared within thirty (30) days of the petition date, that the Licensee is medically able to resume the safe and competent practice of nursing. The verification must list all medications that the provider prescribes to the Licensee and identify the condition or diagnosis that the medication is intended to treat;

    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 her in connection with all criminal and/or administrative matters.[5] 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; and

    f. Certified documentation sent directly to the Board from the state board of nursing of each jurisdiction in which the Licensee has been licensed to practice as a nurse, other than Massachusetts, identifying her license status

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

[5] If there have been no criminal or administrative matters, the Licensee shall submit an affidavit so attesting.

and discipline history, and verifying that her license is (or is eligible to be) in good standing and free of any restrictions or conditions.[6]

8. In addition to the items identified in Paragraph 7(a) – (f), the Licensee shall submit with her petition for reinstatement the following documentation of the Licensee's stable and fully sustained recovery from substance abuse, dependency and/or addiction for three (3) 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 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; and

    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 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.

9. 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 *shall* be conditioned upon the Licensee entering into a consent agreement for the PROBATION of her license for a duration, and include 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.

10. The Licensee understands that she has a right to a formal adjudicatory hearing 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

[6] If the Licensee has not been licensed to practice nursing in any jurisdiction other than Massachusetts, she shall submit an affidavit to the Board so attesting.

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 thereto.

11. The Licensee acknowledges that she has been at all times free to seek and use legal counsel in connection with the Complaints and this Agreement.

12. The Licensee acknowledges that after the Non-Disciplinary Action Effective Date, the Agreement constitutes a public record subject to the Commonwealth of Massachusetts' Public Records Law, G.L. c. 4, §7.

13. The Licensee certifies that she 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.

Marjorie Campbell
Witness (sign and date) 11/16/15

Cindy Martin
CINDY MARTIN
Licensee (sign and date)

Marjorie Campbell
Witness (print name)

November 16, 2015
Non-Disciplinary Action Effective Date

Amy S. Fein
Amy S. Fein, RN, BSN, JD
Co-Interim Executive Director
Board of Registration in Nursing

Licensee represents that her current LN card license was stolen. A copy of the corresponding police report was obtained. ASF

"Consent Agreement Not to Practice" signed by both Licensee and the Board and sent to Licensee on November ____, 2015 by Regular and Certified Mail No._____.

SARP Effective Date

Amy S. Fein, RN, BSN, JD
Co-Interim Executive Director
Board of Registration in Nursing

NULLIFIED **"Consent Agreement Not to Practice" signed by the Board and sent to the Licensee on _____by Regular and Certified Mail No._____.**

_____	_____
Suspension Effective Date	Amy S. Fein, RN, BSN, JD Co-Interim Executive Director Board of Registration in Nursing

"Consent Agreement Not to Practice" with "Suspension Notice" signed by the Board and sent to the Licensee on _____by Regular and Certified Mail No. _____.