



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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SEP 17 2014

PUBLIC PROTECTION

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September 16, 2014

BY FIRST CLASS AND CERTIFIED MAIL RETURN  
 RECEIPT REQUESTED NO. 7012 3460 0001 7331 4235

Patricia A. Healy

redact

RE: In the Matter of Patricia A. Healey, RN License No. 127309  
Board of Registration in Nursing Docket No. NUR-2011-0111

Dear Ms. Healey:

Enclosed is the *Final Decision and Order* ("Final Decision") issued by the Board of Registration in Nursing ("Board") in connection with the above-referenced matter. The effective date of the Board's Order is ten (10) days from the date appearing on page 8 of the *Final Decision* ("Date Issued"). Your appeal rights are noted on page 8 of the *Final Decision*.

Sincerely,

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

Enc.

cc: Eugene Langner, Prosecuting Counsel  
 Stephanie Carey, Hearings Counsel



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.

9/19/14

Authorized Signature

Date

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN NURSING

\_\_\_\_\_  
In the Matter of )  
Patricia A. Healey )  
RN License No. 127309 )  
License Expired: 1/14/12 )  
\_\_\_\_\_ )

Docket No. NUR-2011-0111

FINAL DECISION AND ORDER<sup>1</sup>

I. Procedural Background

Pursuant to 801 CMR 1.01(11)(c), on May 6, 2014, the Board of Registration in Nursing ("Board") issued a Tentative Decision ("Tentative") in the above referenced complaint against Respondent's license to practice as a Registered Nurse (RN) in the Commonwealth. The Board's written notice of the Tentative Decision advised the Respondent that she had thirty (30) days within which to file written objections with the Board's Administrative Hearings Counsel ("AHC") and that any objections filed must include written argument in support of the objections. Further, the notice advised Respondent that a response to any objections must be filed within twenty (20) days of the receipt of the objections.

\_\_\_\_\_  
<sup>1</sup> Pursuant to 801 CMR 1.01(11)(c), the Board issued a tentative decision in the first instance.  
Healy, Patricia  
RN127309  
NUR-2011-0111

On May 23, 2014 Prosecuting Counsel filed a request for an extension of time to June 20, 2014 to file Objections. The AHC granted Prosecuting Counsel's request on May 27, 2014. On June 19, 2014, the day before the filing deadline, Respondent telephoned the AHC and requested a second extension which the AHC denied. Notwithstanding, the AHC verbally notified the Respondent that she could submit handwritten Objections to the Tentative Decision provided her handwriting is legible. On June 12, 2014, Prosecuting Counsel filed Objections to the Tentative Decision and Respondent filed her Objections on June 20 2014. Prosecuting Counsel filed his Response to Respondent's Objections on June 27, 2014.

## II. Tentative Decision

The AHC made twenty-one (21) Findings of Fact ("FF"), three (3) Credibility Determinations and four (4) Rulings of Law. The Board adopts the Tentative Decision including all Findings of Fact, Rulings of Law and Credibility Determinations of all witnesses. The Board declines to dismiss the allegation in paragraph three (3) in the Order to Show Cause ("OTSC")<sup>2</sup>. Although the criminal charge was ultimately dismissed after Respondent submitted to a drug dependency evaluation, random drug tests and counseling, it nonetheless demonstrates a pattern of conduct on her part.

Evidence before this Board demonstrates that Respondent, while employed at North Shore Medical Center, failed to handle, withdraw, administer, or document the administration of controlled substances in a manner that conformed to accepted standards of nursing practice.

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<sup>2</sup> See OTSC ¶ 3 On or about September 27, 2001, in Lynn District Court Docket No. 0113CR494 you admitted to sufficient facts to support a charge of Possession of a Class B Substance in violation of G.L.c. 94C § 34.

In keeping with its duty to promote the public health, welfare, and safety, and consistent with its prior rulings,<sup>3</sup> the Board issues the following order after careful consideration of the facts and information presented in the record.

### ORDER

Based on its Final Decision and Order the Board Suspends the Respondent's Right to Renew her license to practice as a Registered Nurse in Massachusetts, RN License No. 127307.

If Respondent renews her license to practice as a Registered Nurse in Massachusetts before the Effective Date of this Final Decision and Order, the Board Suspends said license, RN License No. 127307.

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 Registered Nurse in Massachusetts on or after the Effective Date of this Order. "Practice as a Registered Nurse" includes, but is not limited to, seeking and accepting a paid or voluntary position as a Registered Nurse or in any way representing herself as a Registered 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 80.

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<sup>3</sup> See *In the Matter of Lisa Gorton, RN-02-348 (Final Decision and Order, December 15, 2006)*. See also, *In the Matter of Anthony Deluca, LN-02-094 (Final Decision and Order, December 15, 2006)*.

Respondent may petition the Board in writing for relicensure when she can provide documentation **satisfactory to the Board** demonstrating her ability to practice nursing in a safe and competent manner. Such documentation shall include **either** 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 **or** provide proof to the Board that she does not have a substance abuse problem. Accordingly, Respondent shall with any petition for relicensure have submitted **directly to the Board**:

**EITHER**

- 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 she has regularly attended group or individual counseling or therapy, or both, during the two (2) years immediately preceding any petition for relicensure;<sup>4</sup>

**OR**

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<sup>4</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.

If the Respondent seeks to provide evidence to the Board that she has never had and does not now have any type of substance abuse, dependency or addiction problem, then **instead of the evidence required by Paragraphs 1, 2, and 3 above, she shall provide to the Board:**

- 4) A clinically based evaluation of the Respondent conducted by a licensed, board certified psychiatrist currently certified by the American Board of Psychiatry and Neurology in the subspecialty of Addiction Psychiatry (Addiction Psychiatrist), which meets the requirements set forth in Attachment B 3

In addition the Respondent shall with any petition for relicensure have submitted **directly to the Board:**

- 5) 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
- 6) 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>5</sup>
- 7) 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:

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<sup>5</sup> If Respondent wasn't employed at all during this period, submit an affidavit so attesting.

- 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>6</sup> and
  - b. Certified documentation from the state board of nursing of each jurisdiction in which the Respondent has ever been licensed to practice as a nurse, sent 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.
- 8) documentation satisfactory to the Board of her 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.
- 9) Certified documentation of the completion after the Effective Date of this Order of the following Continuing Education Hours:
- a) Six (6) hours in Medication Administration,
  - b) Six (6) hours in Legal and Ethical and
  - c) Six (6) hours in patient safety.

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, as well as other restrictions and requirements that the Board may

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<sup>6</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.

then determine are reasonably necessary in the best interests of the public health, safety, and welfare.

The Board may choose to relicense 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 at its meeting held on September 10, 2014, by the following vote: **In favor:** Anthony Alley, BSN, RN, M. Beal, RN/NM, P. Gales, RN, K. Gehly, RN, S. Kelly, RN/NP, J. Killion, LPN, B. Levin, RN, E. Richard Rothmund, C. Simonian, PharmD, R.Ph., C. Tebaldi, RN, MS, **Opposed:** None **Abstained:** None **Absent:** S. Taylor, MSN, RN, Cheryl Urena, LPN, A. Peckham, RN, MSN

The Board voted to adopt the within Final Order by at its meeting held on September 10, 2014, by the following vote: **In favor:** Anthony Alley, BSN, RN, M. Beal, RN/NM, P. Gales, RN, K. Gehly, RN, S. Kelly, RN/NP, J. Killion, LPN, B. Levin, RN, E. Richard Rothmund, C. Simonian, PharmD, R.Ph., C. Tebaldi, RN, MS, **Opposed:** None **Abstained:** None **Absent:** S. Taylor, MSN, RN, Cheryl Urena, LPN, A. Peckham, RN, MSN

#### **EFFECTIVE DATE OF ORDER**

This Final Decision and Order by becomes effective upon the tenth (10<sup>th</sup>) day from the date it is issued (see "Date Issued" below).

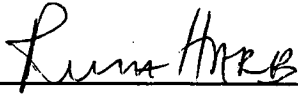
#### **RIGHT TO APPEAL**

Respondent is hereby notified of the right to appeal this Final Decision and Order by 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: September 16, 2014

  
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Rula Harb, MSN, RN  
Executive Director

Notified:

VIA FIRST CLASS AND CERTIFIED MAIL RETURN  
RECEIPT REQUESTED NO. 7012 3460 0001 7331 4235  
Patricia Healy

redact  


BY HAND DELIVERY

Eugene Langner, Prosecuting Counsel

Stephanie Carey, Hearings Counsel