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

MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

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

May 20, 2015

Traci L. Speers
redact

VIA FIRST CLASS AND CERTIFIED MAIL RETURN RECEIPT REQUESTED NO. 7012 3460 0001 7330 8340

Traci L. Speers
redact

VIA FIRST CLASS AND CERTIFIED MAIL RETURN RECEIPT REQUESTED NO. 7012 3460 0001 7330 8302

RE: *In the Matter of Traci L. Speers*, Docket No. NUR-2014-0078
License No. RN277218

Dear Ms. Speers:

Please find enclosed the **Final Decision and Order by Default** issued by the Board of Registration in Nursing on May 20, 2015 and effective **May 30, 2015**. This constitutes full and final disposition of the above-referenced complaint, as well as the final agency action of the Board. Your appeal rights are noted on page 5.

Please note that as of the effective date, your license status will change to **Revoked**. It will remain in a revocation status until the Board notifies you of a change in license status in accordance with the terms of the order. Please direct all questions, correspondence and documentation relating to licensure reinstatement to the attention of Traci Westgate at the address above. You may also contact Ms. Westgate at (617) 973 – 0894. You may contact Vita Berg, Chief Board Counsel at (617) 973 – 0950 with any other questions that you may have concerning this matter.

Sincerely

Rula Harb

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

Encl.

cc: Eugene Langner, Prosecuting 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.

5/26/15

Authorized Signature Date

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of)	
Traci L. Speers)	Docket No. NUR-2014-0078
RN License No. 277218)	
License Expires 9/16/16)	

FINAL DECISION AND ORDER BY DEFAULT

On March 5, 2015, the Board of Registration in Nursing (Board) issued and duly served on Traci L. Speers (Respondent) an Order to Show Cause (Show Cause Order) [1] 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[2]. The Show Cause Order also notified Respondent of the right to request a hearing on the allegations[3], and that any hearing request (Request for Hearing) was to be submitted within 21 days of receipt of the Show Cause Order.[4] Respondent was further notified that failure to submit an Answer within 21 days "shall result in the entry of default in the 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.

[1] Pursuant to 801 CMR 1.01(6)(a).
[2] In accordance with 801 CMR 1.01(6)(d)(2).
[3] Pursuant to M.G.L. c. 112, s. 61.
[4] Respondent was also notified that failure to timely submit a Request for Hearing would constitute a waiver of the right to a hearing.

On March 30, 2015, Prosecuting Counsel sent notice to Respondent to file an Answer and a Request for Hearing by April 6, 2015. The notice again advised Respondent that if defaulted, the Board might enter a Final Decision and Order that assumes the truth of the allegations stated in the Show Cause Order and impose license discipline, including discipline on any right to renew.

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 Massachusetts General Laws (G.L.) c. 30A, s. 10, and sufficient notice of the issues involved to afford Respondent reasonable opportunity to prepare and present evidence and argument as required by G.L. c. 30A, s. 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, s. 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 Show Cause Order 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 license to practice as a Registered Nurse in the Commonwealth, license No. RN277218. The Board further revokes the Respondent's right to renew her license.

Respondent is hereby ordered to return any 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 ten (10) 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. Practice as a Registered Nurse following the Effective Date of this Order and prior to reinstatement of licensure by the Board constitutes unlicensed practice and is grounds for civil and criminal penalties as provided by G.L. c. 112, §§ 65 and 80.

The Board may choose to reinstate Respondent's license if the Board determines in its sole discretion that reinstatement is in the best interests of the public health, safety and welfare.

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, but may not be limited to, the following:

1) 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;[5] and

[5] 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 Department of Criminal Justice Information Services and a sworn written statement that there are

b. Certified documentation from the New Hampshire Board of Nursing verifying that the Respondent successfully met all requirements imposed by the New Hampshire Board in connection with their discipline of her nursing licenses and that her New Hampshire license is, or is eligible to be, reinstated in good standing and free of any restrictions or conditions.[6]

2) 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;[7]

3) 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

4) Documentation 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 request for suspension termination.

The Board may require the Respondent to submit additional documentation prior to acting on the Respondent's petition for reinstatement.

The Board may condition its approval of Respondent's petition for reinstatement upon the Respondent entering into a Consent Agreement for probation of Respondent's nursing license for a period of time, with such restrictions and requirements that the Board may at that time and in its sole

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no pending actions or obligations, criminal or administrative, against the Respondent before any court or administrative body in any other jurisdiction.

[6] 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 New Hampshire, 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.

[7] If Respondent wasn't employed at all during this period, submit an affidavit so attesting.

discretion determine are reasonably necessary to protect the public health, safety, and welfare.

The Board voted to adopt the within Final Decision by Default at its meeting held on May 13, 2015, by the following vote:

In favor:	A. Alley, BSN, RN; M. Beal,RN/NM; P. Gales, RN; K. Gehly, RN; S.Kelly, RN/NP; J. Killion, LPN; A. Peckham, RN, MSN; C. Simonian, Pharm.D., R.Ph.; S. Taylor, MSN, RN; C. Tebaldi, RN, MS; C. Urena, LPN
Opposed:	None
Abstained:	None
Recused:	None
Absent:	B. Levin, RN; E. Richard Rothmund

The Board voted to adopt the within Final Order by Default at its meeting held on May 13, 2015, by the following vote:

In favor:	A. Alley, BSN, RN; M. Beal,RN/NM; P. Gales, RN; K. Gehly, RN; S.Kelly, RN/NP; J. Killion, LPN; A. Peckham, RN, MSN; C. Simonian, Pharm.D., R.Ph.; S. Taylor, MSN, RN; C. Tebaldi, RN, MS; C. Urena, LPN
Opposed:	None
Abstained:	None
Recused:	None
Absent:	B. Levin, RN; E. Richard Rothmund

EFFECTIVE DATE OF ORDER

This Final Decision and Order by Default becomes effective upon the tenth (10th) 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 Default to either the Supreme Judicial Court pursuant to M.G.L. c. 112, § 64 or to a Superior Court with jurisdiction pursuant to M.G.L. c. 30A §§ 14. Respondent must file her appeal within thirty (30) days of receipt of notice of this Final Decision and Order by Default.

Board of Registration in Nursing

Date Issued: May 20, 2015

Rula Harb, MSN, RN
Executive Director

Notified:

VIA FIRST CLASS AND CERTIFIED MAIL RETURN RECEIPT REQUESTED NO. 7012 3460 0001 7330 8340
Traci L. Speers
redact

VIA FIRST CLASS AND CERTIFIED MAIL RETURN RECEIPT REQUESTED NO. 7012 3460 0001 7330 8302
Traci L. Speers
redact

BY HAND DELIVERY
Eugene Langner, Esq.
Prosecuting Counsel
Department of Public Health
Division of Health Professions Licensure
239 Causeway Street, 5th floor
Boston, MA 02114

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of)	
Traci L. Speers)	Docket No. NUR-2014-0078
RN License No. 277218)	
License Expires 9/16/16)	

ORDER TO SHOW CAUSE

Traci L. Speers, you are hereby ordered to appear and show cause why the Massachusetts Board of Registration in Nursing (Board) should not suspend, revoke or otherwise take action against your license to practice as a Registered Nurse (RN) in the Commonwealth of Massachusetts, License No. 277218, or your right to renew such license, pursuant to Massachusetts General Laws (G.L.) Chapter 112, § 61 and Board regulation 244 CMR 9.03, based upon the following facts and allegations:

Factual Allegations

1. On or about July 12, 2007, the Board issued to you a license to engage in the practice of nursing as a Registered Nurse in the Commonwealth of Massachusetts, License No. 277218. Your license is current, and expires on September 16, 2016.

Centrus Premier Home Care

2. Between or about 11:00 p.m. on November 23, 2013, and 8:00 a.m. on November 24, 2013, while employed as a RN by Centrus Premier Home Care in West Springfield, Massachusetts (Centrus), you were assigned to shadow another nurse who was providing home care for a ventilator-dependent Centrus patient (Patient A).

3. Upon arriving for your shift as described in the preceding paragraph, Patient A's parents advised you that the nurse whom you were supposed to shadow had gone into labor and was unable to work the shift described in the preceding paragraph.

4. Upon being advised of the other nurse's absence as described in the preceding paragraph, you undertook to care for Patient A yourself.

5. On multiple occasions during the shift described in Paragraph 2 above, Patient A's mother observed that you had fallen asleep while caring for Patient A.

6. You received a formal written warning from Centrus in connection with the allegations in Paragraphs 2 through 5 above.

Discipline in New Hampshire

7. On or about January 22, 2014, while you were licensed as a RN in Massachusetts, you voluntarily surrendered your license to practice nursing in the state of New Hampshire (NH license), which constitutes a disciplinary action. A copy of the agreement by which you voluntarily surrendered your NH license is attached hereto as Exhibit A and incorporated into this OTSC by reference.

8. The surrender of your NH license as described in the preceding paragraph was in settlement of the following disciplinary charges:

   a. At about 8:00 p.m. on August 4, you were alleged have asked your unit supervisor, Kimberly Hardin, RN, to waste a narcotic with you.

   b. You reported to your supervisor that, at about 6:21 p.m., you had administered 0.2 mg of Dilaudid to a patient.

   c. When the supervisor drew up the medication to waste, she was able to withdraw 1.1 mg.

   d. The vial in question had originally contained 2 mg, leaving 0.7 mg unaccounted for.

   e. In light of the discrepancy described in Paragraphs 7(b) through (d) above, you were required to undergo a fitness for duty test.

   f. The results of the test referenced in the preceding paragraph were positive for norfentanyl,

   g. At the time of the fitness for duty test referenced in Paragraph 7(e) above, you did not have a lawful prescription for norfentanyl.

9. On or about March 11, 2014, the Board received notice from Nursys®, the nurse licensure and disciplinary database of the National Council of State Boards of Nursing, of the surrender of your NH license. A copy of the notice from Nursys® is attached hereto as Exhibit B and incorporated into this Order to Show Cause by reference.

10. You failed to report the January 22, 2104, voluntary surrender of your NH license to the Board.

<u>Legal Basis for Discipline</u>

A. Your conduct as alleged, and the discipline to your NH license, warrant disciplinary action by the Board against your license to practice as a RN pursuant to G.L. c. 112, § 61 for deceit, malpractice, and gross misconduct in the practice

of the profession or for any offense against the laws of the Commonwealth relating thereto.

B. Your conduct as alleged, and the discipline to your NH license, warrant disciplinary action by the Board against your license to practice as a RN pursuant to Board regulation 244 CMR 9.03 for violation of Standards of Conduct for Nurses, namely:

(1) Your conduct as alleged violates 244 CMR 9.03(5) for failing to engage in the practice of nursing in accordance with accepted standards of practice.

(2) Your conduct as alleged violates 244 CMR 9.03(15) for abusing, neglecting, mistreating, abandoning, or otherwise harming a patient.

(3) Your conduct as alleged violates 244 CMR 9.03(28) for holding a certificate issued by a certifying body related to the practice of nursing and failing to report to the Board in writing within 30 days any action against, or surrender of, your certificate issued by such certifying body.

(4) Your conduct as alleged violates 244 CMR 9.03(47) for engaging in any other conduct that fails to conform to accepted standards of nursing practice or in any behavior that is likely to have an adverse effect upon the health, safety, or welfare of the public.

C. Your conduct as alleged, and the discipline to your NH license, warrant disciplinary action by the Board against your license to practice as a RN pursuant to Massachusetts case law. See, *Anusavice v. Board of Registration in Dentistry*, 451 Mass. 786 (2008).

D. Your conduct as alleged, and the discipline to your NH license, also constitute unprofessional conduct and conduct which undermines public confidence in the integrity of the profession. *Sugarman v. Board of Registration in Medicine*, 422 Mass. 338, 342 (1996); see also, *Kvitka v. Board of Registration in Medicine*, 407 Mass. 140, cert. denied, 498 U.S. 823 (1990); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708, 713 (1982).

***

You have a right to an adjudicatory hearing (hearing) on the allegations contained in the Order to Show Cause before the Board determines whether to suspend, revoke, or impose other discipline against your license. G.L. c. 112, § 61. Your right to a hearing may be claimed by submitting a written request for a hearing *within twenty-one (21) days of receipt of this Order to Show Cause.* You must also submit an Answer to this Order to Show Cause in accordance with 801 CMR 1.01(6)(d) *within twenty-one (21) days of receipt of this Order to Show Cause.* The Board will give you prior written notice of the time and place of the hearing following receipt of a written request for a hearing.

Hearings shall be conducted in accordance with the State Administrative Procedure Act, G.L. c. 30A, §§ 10 and 11, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 and 1.03, under which you are granted certain rights including, but not limited to, the rights: to a hearing; to secure legal counsel or another representative to represent your interests; to call and examine witnesses; to cross-examine witnesses who testify against you; to testify on your own behalf; to introduce evidence; and to make arguments in support of your position.

The Board will make an audio recording of any hearing conducted in the captioned matter. In the event that you wish to appeal a final decision of the Board, it is incumbent on you to supply a reviewing court with a "proper record" of the proceeding, which may include a written transcript. *New Bedford Gas and Light Co. v. Board of Assessors of Dartmouth*, 368 Mass. 745, 749-750 (1975). Upon request, the Board will make available a copy of the audio recording of the proceeding at your own expense. Pursuant to 801 CMR 1.01(10)(i)(1), upon motion, you "may be allowed to provide a public stenographer to transcribe the proceedings at [your] own expense upon terms ordered by the Presiding Officer." Those terms may include a requirement that any copy of the transcript produced must be sent immediately upon completion, and on an ongoing basis, directly to the Presiding Officer by the stenographer or transcription service. The transcript will be made available to the Prosecutor representing the Board. Please note that the administrative record of the proceedings, including, but not limited to, the written transcript of the hearing, is a public record and subject to the provisions of G.L. c. 4 § 7 and G.L. c. 66, §10.

Your failure to submit a written request for a hearing within twenty-one (21) days of receipt of this Order to Show Cause *shall constitute a waiver of the right to a hearing* on the allegations herein and on any Board disciplinary action. Your failure to submit an Answer to the Order to Show Cause within twenty-one (21) days of receipt of the Order to Show Cause *shall result in the entry of default* in the captioned matter.

Notwithstanding the earlier filing of an Answer and/or request for a hearing, your failure to respond to notices or correspondence, your failure to appear for any scheduled status conference, pre-hearing conference or hearing dates, or your failure to otherwise defend this action shall result in the entry of default.

If you are defaulted, the Board may enter a Final Decision and Order that assumes the truth of the allegations in this Order to Show Cause, and may revoke, suspend, or take other disciplinary action against your license to practice nursing in the Commonwealth of Massachusetts, including any right to renew your license.

Your Answer to the Order to Show Cause and your written request for a hearing must be filed with Eugene Langner, Prosecuting Counsel, at the following address:

Eugene Langner, Esq.
Prosecuting Counsel
Department of Public Health
Office of the General Counsel, 5th Floor
239 Causeway Street
Boston, MA 02114

You or your representative may examine Board records relative to this case prior to the date of the hearing during regular business hours at the office of the Prosecuting Counsel. If you elect to undertake such an examination, then please contact Prosecuting Counsel in advance at (617) 973-0838 to schedule a time that is mutually convenient.

BOARD OF REGISTRATION IN NURSING,
Rula F. Harb, MSN, RN
Executive Director

By: _____
Eugene Langner, Esq.
Prosecuting Counsel
Department of Public Health

Date: March 5, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order to Show Cause was served upon the Respondent:

Traci L. Speers
redact

by first class mail, postage prepaid, and by Certified Mail No. 7014 0510 0001 0375 4897

Traci L. Speers
redact

by first class mail, postage prepaid, and by Certified Mail No. 7014 0510 0001 0375 4903

This 5th day of March, 2015.

Eugene Langner
Prosecuting Counsel

Before the
New Hampshire Board of Nursing
Concord, New Hampshire 03301

In the Matter of:
Traci Lynn Speers, RN

VOLUNTARY SURRENDER OF LICENSE

Recognizing that professional misconduct allegations are now pending against me before the New Hampshire Board of Nursing ("Board") concerning the complaint filed by Angela Price, BS, RN or Dartmouth Hitchcock Medical Center alleging that I made medication documentation errors and improperly wasted narcotics, I, Traci Lynn Speers, RN, hereby voluntarily surrender my New Hampshire license (#063989-21) effective on the date that the Board accepts this offer of voluntary surrender.

By voluntarily surrendering my license, I understand that.

1. I relinquish all rights and privileges to practice nursing in the State of New Hampshire effective upon the Board's acceptance of this voluntary surrender
2. I admit that this license surrender has occurred in settlement of pending disciplinary charges.
3. I admit to no violations of RSA 326-B:37, II, but recognize that the fact of my voluntary surrender will be distributed by the Board as a disciplinary action
4. Should I again seek licensure in the State of New Hampshire, I must meet and shall bear the burden of proving compliance with all of the standards and prerequisites then required by the Board for new applicants, including professional character requirements.
5. I understand that the pending disciplinary allegations shall be resolved in any future licensure application I may submit in New Hampshire. I hereby

EXHIBIT
A

specifically waive any statute of limitations or laches defense, which might then be available as to these misconduct allegations.

6. I understand that if the Board chooses to accept my surrender of license, this document shall be distributed to all relevant licensing authorities and professional societies in the same manner as a final decision making specific finding of professional misconduct. I recognize that the fact of my voluntary surrender will be distributed by the Board as a disciplinary action. I further understand that this document shall become a permanent part of my file, and will be maintained by the Board as a public document.

7. I voluntarily submit this surrender of license to the Board and state that no promises or representations have been made to me other than those terms and conditions expressly stated herein.

IN WITNESS WHEREOF, I hereby affix my signature on this 15th day of January, 2014.

Traci Lynn Speers, RN

ACCEPTED BY THE BOARD OF NURSING on this 16th day of January, 2014

Date: 1/22/14

(Signature)

Denise M. Nies
(Print or Type Name)
Authorized Representative of the
New Hampshire Board of Nursing

Discipline Case Summary Report
Printed for MASSACHUSETTS

INDIVIDUAL:

NCSBN ID: 20941477 SSN: Redacted Name: SPEERS, TRACI LYNN

DOB: Redacted Gender: F

LICENSES DISCIPLINED:

NEW HAMPSHIRE | RN | 063989-21

GENERAL CASE INFORMATION:

Case Number: 710758 Date Action Was Taken: 01/22/2014

Jurisdiction: NEW HAMPSHIRE

General Case Comments:

VIOLATIONS (BASIS FOR ACTION):

Violation Code: 99 - OTHER - NOT CLASSIFIED, SPECIFY

NPDB Narrative (Comments): Voluntary surrender in settlement of pending disciplinary charges.

INITIAL ACTIONS:

Initial Code: 1145 - VOLUNTARY SURRENDER OF LICENSE Stayed NO

Duration: 01/22/2014 - INDEFINITE/UNSPECIFIED Appeal - Date: NO

Automatic Reinstatement: NO

NPDB Narrative (Comments).

At its meeting of January 16, 2014, Board members accepted Voluntary Surrender of Respondent's RN license. Respondent understands that she relinquishes all rights and privileges to practice nursing in NH effective upon Board's acceptance of voluntary surrender. Respondent admits that license surrender has occurred in settlement of pending disciplinary charges. Respondent admits to no violations of RSA 362-B:37, but recognizes fact that voluntary surrender will be distributed by Board as disciplinary action. Should Respondent seek licensure in NH, she must meet and shall bear burden of proving compliance with all standards and prerequisites then required by Board for new applicants, including professional character requirements. Pending disciplinary allegations shall be resolved in any future nursing licensure application submitted in New Hampshire.

Initial Report Attached Documents:

PDF t_speers.pdf

REVISION ACTIONS:

There are no revisions for this Discipline Case

JURISDICTION DISCIPLINE NOTICE HISTORY:

Notice Date: 02/24/2014 03:29 PM Case Action: CREATED Sender KDICKSON

Recipients: MA

EXHIBIT

B