



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
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Commissioner

December 15, 2015

**BY FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO. 7015 1660 0001 1911 0458**

Mary Ann Zimmer

redact

**RE: In the Matter of Mary Ann Zimmer, RN License No. 260335
Board of Registration in Nursing Docket No. 20080827-RN-033**

Dear Ms. Zimmer:

Enclosed is the *Final Decision and Order on Probation Compliance* ("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 4 of the *Final Decision* ("Date Issued"). Your appeal rights are noted on page 4 of the *Final Decision*.

Sincerely,

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

Enc.

III. ORDER

Based on its Final Decision and Order on Probation Compliance, the Board **Suspends** Respondent's license to practice as a Registered Nurse in Massachusetts, RN260335 for a minimum of three (3) years.

The Board further Suspends Respondent's right to renew her license. If Respondent renews her license to practice as a Registered Nurse in Massachusetts before the Effective Date of this Final Decision and Order on Probation Compliance, the Board Suspends said license, RN260335.

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 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. 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.

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 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 Respondent has regularly attended group or individual

counseling or therapy, or both, during the two (2) years immediately preceding any petition for relicensure;¹

- 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) A comprehensive mental health evaluation of the Respondent conducted by a licensed mental health provider which meets the requirements set forth in Attachment **B2**
- 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;²
- 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:
 - 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;³ 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 Respondent's 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 may condition its approval of Respondent's petition for reinstatement upon 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 discretion determine are reasonably necessary to protect the public health, safety, and welfare.

¹ 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.

² If Respondent was not employed during this period, submit an affidavit so attesting.

³ 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.

The Board voted to issue this Final Decision and Order on Probation Compliance by the following vote: *In favor*: S. Abbott; A. Alley, BSN, RN; M. Beal, RN/NM; P. Gales, RN; K. Gehly, RN; J. Killion, LPN; C. LaBelle, RN, BSN; E. Richard Rothmund; C. Simonian, Pharm.D., R.Ph.; S. Taylor, MSN, RN; C. Urena, LPN; *Opposed*: None; *Abstained*: None; *Recused*: None; *Absent*: A. Peckham, RN, MSN; C. Tebaldi, RN, MS.

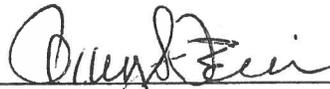
EFFECTIVE DATE OF ORDER

This Final Decision and Order on Probation Compliance 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 on Probation Compliance 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 §§ 12. Respondent must file his appeal within thirty (30) days of receipt of this notice of Final Decision and Order on Probation Compliance.

Board of Registration in Nursing



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

Date Issued: December 15, 2015

Notified:

VIA FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO.

Mary Ann Zimmer

redact

Mary Ann Zimmer (formerly Yogodzinski)
License No. RN260335
Docket No. 20080827-RN-033