

**Commonwealth of Massachusetts
Board of Registration in Nursing**

**In the matter of Ami O'Grady a/k/a Amirose Geneau
RN2281466; Expires 9/12/24
LPN87679: Expired 9/12/13**

**Docket Nos. NUR 2018-0071
NUR 2018-0072**

FINAL DECISION AND ORDER

In an Order to Show Cause dated October 23, 2019 (OTSC), the Massachusetts Board of Registration in Nursing (Board) asked why it should not take action against the Licensed Practical Nurse (LN) and Registered Nurse (RN) licenses of Ami O'Grady a/k/a Amirose Geneau (Respondent) or right to renew such licenses. The OTSC alleges that Respondent, while employed as Director of Nursing (DON), engaged in various conduct consistent with diversion of controlled substances at Meadow View Center located in North Reading, Massachusetts (Meadow View) and Lasell Village located in Newton, Massachusetts (Lasell Village).

A full adjudicatory hearing was held on March 23 – 24, 2021, May 19, 2021, and May 26, 2021 (Hearing). On July 17, 2023, the Administrative Magistrate entered a Tentative Decision in this matter. The Administrative Magistrate determined that the Prosecutor had proved that Respondent's LN and RN licenses are subject to discipline as to each ground for discipline set forth in the OTSC, to wit 244 CMR 9.03 (5), (6)(a)(8),(9), (31), (32), (37), (39), (44), (45), (46), and (47), and common law prohibitions against conduct undermining public confidence in the profession's integrity, M.G.L. c. 112, § 61A. The Tentative Decision is attached hereto and incorporated by reference.

Final Decision

The Board voted to adopt the Tentative Decision at its meeting held on September 13, 2023, by the following vote:

In favor: A. Alley, MSN, RN; K. Crowley, DNP; M. Harty, LPN; A. Joseph, MD; Linda Kelly, CNP; I Keough, PhD, CNP; D. Nikitis, BSN, RN; C. Norris, LPN, V. Percy, MSN, RN; R. Reynolds, PhD, RN, MSN

Opposed: None

Abstained: None

Recused: None

Absent: K. Barnes, JD, RPH; A Sprague, ASN, RN; Lisa Wu, MBA, RN

Discussion

The OTSC alleged that Respondent falsified records and tampered with and diverted controlled substances from 3 patients at Lasell Village on December 9, 2016 and January 10th, 2017. The Administrative Magistrate determined that the Prosecutor proved this allegation.

The OTSC alleged that on or about November 18, 2016, the Respondent while employed as DON at Meadow View diverted 163 tablets of controlled substances that she removed from count on that date and falsified the controlled substances destruction forms. The Administrative Magistrate determined that the Prosecutor had proved this allegation.

The OTSC alleged that between December 1, 2016 and January 10, 2017, while employed as DON at Lasell Village, Respondent diverted approximately 258 tablets of controlled substances she removed from count, falsified, and forged signatures on controlled substances destruction forms and tampered with controlled substances. The Administrative Magistrate determined that the Prosecutor had proved this allegation.

The OTSC alleged that Respondent diverted controlled substances from a fourth patient at Lasell Village and falsified related records. The Administrative Magistrate determined that the Prosecutor had proved this allegation.

The OTSC alleged that Respondent diverted controlled substances from a fifth patient at Lasell Village and falsified related records. The Administrative Magistrate determine that the Prosecutor had proved this allegation.

The OTSC alleged that the Respondent diverted controlled substances from a sixth patient at Lasell Village and falsified related records. The Administrative Magistrate determined that the Prosecutor had proved this allegation.

The OTSC alleged that Responded diverted controlled substances from a seventh patient at Lasell Village and falsified related records. The Administrative Magistrate determined that the Prosecutor had proved this allegation.

The OTSC alleged that Respondent diverted controlled substances from an eighth patient at Lasell Village and falsified related records. The Administrative Magistrate determined that the Prosecutor had proved this allegation.

The OTSC alleged that Respondent had diverted controlled substances from a ninth patient Lasell Village and falsified related records. The Administrative Magistrate determined that the Prosecutor had proved this allegation.

The Administrative Magistrate identified significant facts related to each allegation proved.

By engaging in the diversion conduct at Meadow View and the diversion conduct at Lasell Village, Respondent failed to engage in the practice of nursing in accordance with accepted standards of nursing practice in violation of 244 CMR 9.03(5), failed to be responsible and accountable for nursing judgments, actions, and competency in violation of 244 CMR 9.03(9), engaged in behavior likely to have an adverse effect upon public health, safety or welfare in violation of 244 CMR 9.03(47), and undermined public confidence in the profession's integrity. By engaging in the diversion conduct at Meadow View and the Diversion Conduct at Lasell Village, Respondent demonstrated a lack of honesty, integrity, and trustworthiness, subjecting her licenses to discipline for violating M.G.L. c. 112, § 74 (authorizing discipline when an RN licensee fails to be of good moral character) and M.G.L. c. 112, § 74A (authorizing discipline when an LN licensee fails to be of good moral character).

The Board is charged with protecting the public health, safety, and welfare and to this end, the Board has broad authority to regulate the conduct of nursing professionals including the ability to sanction professionals for conduct that undermines public confidence in the integrity of the profession. See *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). The Board has authority to sanction nurses for conduct which undermines public confidence in the profession's integrity. See *Sugarman v. Board of Registration in Medicine*, 422 Mass. 338, 342 (1996).

In the instant case, the Board determined that the Respondent used her position as a DON to divert large amounts of controlled substances. Respondent's diversion of these controlled substances was "theft accomplished by abusing access entrusted to persons who hold a nursing license." Diversion controlled substances by a nurse, especially a DON, places patients at great risk for harm, error, and substandard care. Respondent's diversion conduct at Meadow View and diversion conduct at Lasell Village is behavior likely to have an adverse effect upon public health, safety or welfare and undermines public confidence in the profession's integrity. The Board has suspended or revoked nursing licenses for similar conduct in the past. See, for example, *In the Matter of Donna Marie McLellan*, Board of Registration in Nursing Docket No. NUR-2015-0127, Final Decision and Order, February 20, 2018 (aff'd after reconsideration, May 10, 2018).

Order

Based on the Final Decision, the Board **REVOKES** Respondent's licenses for an indefinite period of time. Respondent may not petition the Board for reinstatement within five (5) years of the Effective Date. The Board may set conditions for licensure reinstatement, including a probationary term, if it deems appropriate.

The Board voted to adopt this Order at its meeting held on September 13, 2023

In favor: A. Alley, MSN, RN; K. Crowley, DNP; M. Harty, LPN; A. Joseph, MD;
 Linda Kelly, CNP; L. Keough, PhD, CNP; D. Nikitis, BSN, RN; C.
 Norris, LPN, V. Percy, MSN, RN; R. Reynolds, PhD, RN, MSN

Opposed: None

Abstained: None

Absent: K. Barnes, JD, RPH; A Sprague, ASN, RN; Lisa Wu, MBA, RN

Recused: None

EFFECTIVE DATE OF ORDER

This Final Decision and Order becomes effective upon the tenth (10th) day from the date issued (see "Date Issued" below).

RIGHT TO APPEAL

Respondent is hereby notified of the right to appeal this Final Decision and Order to the Supreme Judicial Court pursuant to M.G.L. c. 112, §64. Respondent must file any appeal within thirty (30) days of receipt of this notice of Final Decision and Order.

Board of Registration in Nursing,

Patricia McNamee on behalf of

Heather Cambra, BSN, RN, JD
Acting Executive Director
Board of Registration in Nursing

Date Issued: September 27, 2023

Notified:

Via First Class & Certified Mail No. 7022 2410 0001 6851 6731,

Return Receipt Requested

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Via Interoffice Mail

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