

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
OF NURSING HOME
ADMINISTRATORS

In the Matter of)
BRUCE J. BEDARD)
NHA License No. 1633)
License Revoked)
_____)

Docket No. NHA-2019-004

FINAL DECISION AND ORDER BY DEFAULT

On February 20, 2019, the Board of Registration of Nursing Home Administrators (“Board”) issued a Final Decision and Order by Default in which it permanently revoked Bruce J. Bedard’s (“the Respondent”) Nursing Home Administrator’s license, effective March 2, 2019. Also on February 20, 2019, the Board served notice of its Order on the Respondent, by First Class and Certified Mail. Subsequently, the Board received notice that the Respondent continued to practice as a Nursing Home Administrator at West Revere Health Center in Revere, Massachusetts. Consequently, the Board opened an investigation into his practice after license revocation in the above docketed Complaint.

On or about March 27, 2020 the Board issued an Order to Show Cause (“Show Cause Order”) related to a complaint filed regarding Respondent’s license.¹ In addition to stating the allegations against Respondent, the Show Cause Order notified Respondent that an Answer to the Show Cause Order 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

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.

Bedard, B.
NHA 1633

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 above-captioned matter” and, if defaulted, “the Board may enter a Final Decision and Order by Default 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.” Copies of the Show Cause Order are attached to this Final Decision and Order by Default and are incorporated herein by reference.

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 G.L. c. 30A, § 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, § 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 G.L. c. 30A, § 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:

⁴ Respondent was also notified that failure to timely submit a Request for Hearing would constitute a waiver of the right to a hearing.

The Board voted to adopt this Final Decision and Order by Default at its meeting held July 17, 2020 by the following vote:

In favor: Daniel Gebremedhin, Sherman Lohnes, Nancy Lordan, Sister Jacquelyn McCarthy, Mary McKenna, Mary K. Moscato, Patrick J. Stapleton, Pavel Terpelets, Roxanne Webster.

Opposed: None

Abstained: None

Recused: None

Absent: W. Graves, N. Prendergast.

ORDER

Based on its Final Decision by Default, the Board **ORDERS** that the Respondent **pay a civil administrative penalty** in the amount of one thousand dollars (**\$1,000.00**) within forty-five (45) days of the effective date of this Final Decision and Order by Default. The penalty must be paid by mailing a cashier's check or money order payable to the Commonwealth of Massachusetts to the Board's address:

Board of Registration of Nursing Home Administrators
239 Causeway Street, 5th Floor
Boston, MA 02114

Payment of the foregoing penalty must be made prior to submission by the Respondent of any petition for license reinstatement or any license or authorization application. The Board may deny any petition for license reinstatement and any license application submitted by the Licensee on the basis of non-payment of this civil administrative penalty. In addition to payment of this civil administrative penalty, any petition for license reinstatement must still meet all conditions and requirements set forth in the Final Decision and Order of the Board dated February 20, 2019.

The Board voted to adopt this Final Order at its meeting held July 17, 2020 by the following vote:

In favor: Daniel Gebremedhin, Sherman Lohnes, Nancy Lordan, Sister Jacquelyn McCarthy, Mary McKenna, Mary K. Moscato, Patrick J. Stapleton, Pavel Terpelets, Roxanne Webster.

Opposed: None

Abstained: None

Recused: None

Absent: W. Graves, N. Prendergast

Effective Date of Order

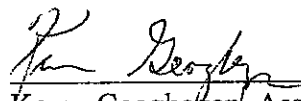
This Final Decision and Order becomes effective upon the tenth (10th) day from the date it is issued (see "Date Issued" below).

Right to Appeal

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

Board of Registration of Nursing Home Administrators

Date Issued: 7/23/2020



Karen Geoghegan, Assistant Executive Director,
Board of Registration of Nursing Home Administrators

Notified:

VIA FIRST CLASS AND CERTIFIED MAIL NO. 7019 0700 0000 1846 2166,
RETURN RECEIPT REQUESTED

Mr. Bruce J. Bedard

Redacted

VIA INTEROFFICE MAIL

Jaclyn Gagne, Esq.
Department of Public Health
250 Washington Street
Boston, MA 02108

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
OF NURSING HOME
ADMINISTRATORS

In the Matter of)
BRUCE J. BEDARD)
NH License No. 1633)
License Revoked March 2, 2019)
_____)

Docket Nos. NHA-2019-004

ORDER TO SHOW CAUSE

Bruce J. Bedard, you are hereby ordered to appear and show cause why the Massachusetts Board of Registration of Nursing Home Administrators ("Board") should not assess a civil administration penalty against you and/or should not suspend, revoke or otherwise take action against your license to practice as a Nursing Home Administrator in the Commonwealth of Massachusetts, License No. 1633, or your right to renew such license, pursuant to Massachusetts General Laws (G. L.) Chapter 112, § 61 and Code of Massachusetts regulations 244 CMR 7.04, based upon the following facts and allegations.

1. Prior to 2016, the Board issued to you a license to you to engage in the practice of Nursing Home Administration, License No. 1633.
2. On February 20, 2019, the Board issued a Final Decision and Order by Default in which it permanently revoked your license effective March 2, 2019.
3. Also on February 20, 2019, notice of the Board's order as described in paragraph 2 above was sent to your address of record by certified and first class mail.
4. From at least March 5, 2019 through March 25, 2019, you were employed as a Nursing Home Administrator at West Revere Health Center located in Revere, Massachusetts.

Grounds for Discipline

5. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a Nursing Home Administrator pursuant to Board regulation 245 CMR 5.00 for violation of:
 - a) 245 CMR 5.02(1) for identifying himself as a Nursing Home Administrator while he was not in possession of a current license;
 - b) 245 CMR 5.02 (30)(b) for failing to comply with provisions contained in any order issued to him by the Board
6. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a Nursing Home Administrator pursuant to G. L. c. 112, § 61 for deceit, malpractice, and gross misconduct in the practice of the profession, and for any other offense against the laws of the Commonwealth relating thereto.
7. Your conduct as alleged constitutes 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).
8. Your conduct as alleged constitutes engaging in the practice of a trade of profession after your license has been suspended, revoked, or cancelled, warranting a civil administrative penalty pursuant to G.L. c. 112, § 65.

You have a right to an adjudicatory hearing ("hearing") on the allegations contained in the Order to Show Cause before the Board acts to suspend, revoke, or impose other discipline, including but not limited to, imposing fines. G. L. c. 112, §§ 61, 65. 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 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. 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 imposed fines.

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 impose fines, 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.

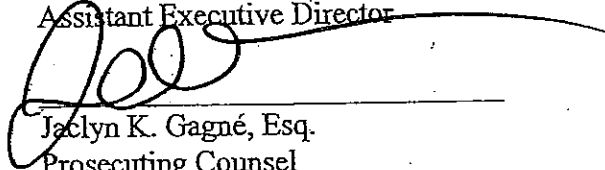
Your Answer to the Order to Show Cause and your written request for a hearing must be filed with the Prosecuting Counsel, at the following address:

Jaclyn K. Gagné, Esq.
Prosecuting Counsel
Department of Public Health
Office of the General Counsel
250 Washington Street, 2nd floor
Boston, MA 02108

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) 973-0840 to schedule a time that is mutually convenient.

Board of Registration of Nursing Home Administrators
KAREN GEOGHEGAN
Assistant Executive Director

By:



Jaclyn K. Gagné, Esq.
Prosecuting Counsel
Department of Public Health

Date: March 27, 2020

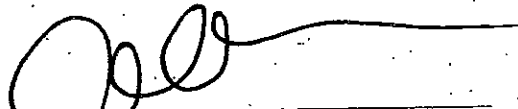
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Cover Letter, Order to Show Cause and Certificate of Service were served upon the Licensee, Bruce J. Bedard, at the following address of record with the Board:

Bruce J. Bedard
62 Old Lowell Road
Westford, MA 01886-3735

by first class mail, postage prepaid, and certified mail no. 7019 1120 0000 7925 7449

This 27th day of March, 2020



Jaclyn K. Gagné, Esq.
Prosecuting Counsel