



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
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January 10, 2025

Via First Class and Certified Mail No.: 9589 0710 5270 0961 7557 63

Return Receipt Requested
And via Email

David G. Mintz, Esq.
17 New South Street, Suite 202 Northampton, MA 01060
dmintz@northamptonlaw.com

Re: In the Matter of Carrie O'Gorman
Docket No. NUR-2021-0052
License No. RN282470

Dear Attorney Mintz:

Enclosed please find the Final Decision and Order after Sanction Hearing issued by the Board of Registration in Nursing on January 10, 2025 and **effective January 20, 2025**. Effective January 20, 2025, Ms. O'Gorman's nursing license status will change to **probation**. This constitutes full and final disposition of the above-referenced Complaint, as well as the final agency action of the Board. Ms. O'Gorman's appeal rights are noted on page 9.

All correspondence and documentation in connection with the probation terms should be directed to the Board's Probation Compliance Monitor, Kimberly Jones, at the Board's office listed above. You may also contact her at 617-973-0863 or Kimberly.r.jones@mass.gov with any questions concerning this matter.

You may also contact Meghan Bresnahan, Board Counsel at Meghan.bresnahan@mass.gov.

Sincerely,


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

Encl.

cc: Martha Sesnovich, Esq. Administrative Magistrate
Tracy Ottina, Esq., Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

Board of Registration in Nursing,
Petitioner

v.

CARRIE O’GORMAN
License No. RN282470
License Expires 11/06/2026
Respondent

Docket No. NUR-2021-0052

FINAL DECISION AND ORDER AFTER SANCTION HEARING

Procedural History

On August 26, 2022, the Board of Registration in Nursing (“the Board”) issued an *Order to Show Cause* (“OTSC”) in the above-referenced matter. Respondent filed an Answer to the OTSC on September 30, 2022. On October 25, 2023, the parties filed a Joint Request for Sanction Hearing and Stipulations, stipulating to material facts, violations, and acknowledgment of the Board’s authority to discipline. A sanction hearing was held on May 14, 2024 before Administrative Magistrate Martha Sesnovich, where Prosecuting Counsel, Respondent’s Counsel, and Respondent were all present.

On August 14, 2024, Administrative Magistrate Martha Sesnovich issued a *Tentative Decision After Sanction Hearing Process* (“*Tentative Decision*”). The Board has carefully considered the *Tentative Decision* and hereby adopts the *Tentative Decision*, including all findings of fact, conclusions of law and credibility determinations. The *Tentative Decision* is attached hereto and incorporated herein by reference.

Discussion/Rationale

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 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).

It is undisputed that while employed and on duty as a Registered Nurse at Vertava Health of Massachusetts (Vertava), on February 20, 2021, Respondent diverted four (4) Clonazepam tablets from a prescription bottle belonging to a patient who was no longer at the facility. This conduct is in violation of Massachusetts General Laws (M.G.L.) c. 112, § 61; 244 Code of Massachusetts Regulations (CMR) 9.03(5), (35), (37), (44), and (47) and is conduct that undermines public confidence in the integrity of the profession. The parties agree that the Board has jurisdiction over this matter and has the authority to discipline the Respondent's license.

The Board takes the diversion of controlled substances extremely seriously. Diversion is a breach of professional and ethical standards and undoubtedly undermines public confidence in the profession. However, in this particular case, after a thorough review of the facts and circumstances surrounding the Respondent's actions, the Board has determined that the imposition of probation with toxicology screening, rather than a more severe sanction such as suspension, is an appropriate and just response.

While the Board acknowledges that the Respondent engaged in the diversion of a controlled substance, several key factors distinguish this case from others where a license has been suspended for a period of three years. First, there is no evidence suggesting that the Respondent ingested the controlled substance or that the Respondent's professional practice was impaired as a result of this diversion. The evidence also does not indicate the presence of a substance use disorder. This absence of impairment or addiction concerns significantly mitigates the severity of the offense in this case.

Further, the diversion did not result in patient harm. The substance involved was a prescription intended for a previous patient, and the medication was scheduled for destruction. This fact minimizes the potential for any negative impact on patient care.

The Board has considered several significant mitigating factors that suggest the Respondent is not a threat to public safety and is capable of rehabilitation. The Respondent has demonstrated a significant level of acknowledgement and accountability for their actions, clearly recognizing the gravity of the conduct. The Respondent admitted that the incident was the "biggest mistake of [her] life" which reflects a degree of self-awareness and remorse. The Board also considered the challenging personal circumstances the Respondent was facing during the time period in question. These personal issues, while not excusing the conduct, offer context and suggest that the Respondent's actions were not part of a pattern of reckless behavior, but rather a lapse in judgment caused by overwhelming personal stress.

Lastly, the Respondent has demonstrated a willingness to take responsibility for their actions and has expressed a commitment to making changes to avoid any recurrence of similar conduct in the future. Given these mitigating factors, the Board believes that the imposition of probation with conditions, including regular toxicology screenings, will allow the Respondent to continue practicing while ensuring public safety. The probationary period will provide an opportunity for the Respondent to demonstrate compliance with the Board's standards and offer a structured framework for addressing any potential underlying issues.

Therefore, based on the specific circumstances of this case, the Board finds that placing the Respondent on probation, with the added condition of toxicology screening, is both a fair and appropriate sanction. This approach reflects the Board's commitment to public safety while also recognizing the Respondent's accountability and potential for rehabilitation.

The Board voted to adopt the within **Final Decision** at its meeting held on January 8, 2025, by the following vote:

In favor: *A. Alley, MSN, RN, NE-BC, K.A. Barnes, JD, RPh, K. Crowley, DNP, RN, A. Joseph, MD, L. Kelly, DNP, CNP, RN, L. Keough,*

*PhD, CNP, RN, D. Nikitas, BSN, RN, R. Reynolds, PhD, MSN, RN,
R. Sesay, ASN, RN, H. Underwood, LPN*

Opposed:

Abstained:

Recused:

Absent: J. Monagle, PhD, RN

ORDER

1. Based on its Final Decision, the Board orders that Respondent's license to practice as a Registered Nurse in Massachusetts, License No. RN282470 be placed on **PROBATION** for no less than **two (2) years** with random toxicology screening for the **first six (6) months** commencing on the Effective Date of this Order ("Effective Date").
2. During the Probationary Period, the Respondent shall comply with all of the following requirements to the Board's satisfaction:
 - a. Comply with all laws and regulations governing the practice of nursing.
 - b. Notify the Board in writing within ten (10) days of each change in their name and/or address.
 - c. Timely renew their license to practice nursing.
 - d. Respond to inquiries from Board staff in a timely manner.
 - e. Disclose the terms of this Order to the Program Administrator of any Nursing Education Program at which they are enrolled during the Probationary Period.
 - f. Maintain active employment (Active Practice Requirements) in a position that requires a nursing license, in a facility setting where the Licensee receives consistent, on-site supervision by a qualified licensed nurse¹ for a minimum average of twenty (20) hours per week throughout the Probationary Period.
 - i. A qualified licensed nurse is defined as a nurse who 1) possesses a Massachusetts² nursing license in good standing or authority to

¹ The Licensee must receive direct supervision from a qualified licensed nurse who is employed in a supervisory role and is physically located at all times in each facility in which the Licensee practices nursing.

² Or a license to practice in the jurisdiction in which the Respondent is employed.

practice under federal law, or both; 2) is employed in a supervisory role; 3) possesses a minimum of one year full-time experience in nursing, or its equivalent, within the last five years; 4) is educationally prepared at or above the level of the Respondent; and 5) has no open complaints with the Board and no open criminal matters.

- g. Refrain from the practice of nursing in any of the following employment settings during the Probationary Period:
 - i. Settings where structured, consistent on-site supervision is not in place including but not limited to, home care agencies or private home care;
 - ii. Travel nurse agencies; or
 - iii. Temporary staffing agencies.
- h. Review this Order with each of their nursing supervisors, and arrange for each nursing supervisor to submit directly to the Board:
 - i. a completed and signed “Supervisor Verification Form” (**Form 1**), provided with this Order, within thirty (30) days of
 - (1) the Effective Date *and*
 - (2) any subsequent employment commenced during the Probationary Period.
 - ii. *quarterly* written reports³, using the “Supervision Report Form” (**Form 2**) provided with this Order attesting to the quality of the Respondent’s nursing practice, reliability and attendance and specifically addressing Respondent’s ability to practice nursing in a safe and competent manner. The Board may take action in the event that any quarterly report reveals a practice issue the Board deems significant.
- i. Within thirty (30) days of the Effective Date, notify the Board in writing if the Respondent is not employed in accordance with paragraph 2f.
- j. If not employed in accordance with paragraph 2f within thirty (30) days of the Effective Date:

³ The Respondent is responsible for ensuring that these reports on the required form are received by the Board commencing ninety (90) days after the Effective Date and on the first day of every third month thereafter.

- i. On a weekly basis: actively search for nursing employment.
 - ii. On a monthly basis: submit to the Board a detailed description of their nursing job search activities and the status of their nursing employment.
- k. Complete the Active Practice Requirements within a period up to a maximum of double the length of the Probationary Period⁴.
- l. Notify the Board in writing within seven (7) days of any change in the Respondent's employment status, including each change in Employer, each resignation or termination, and the name, address, and telephone number of each new Employer.
- m. Notify the Board in writing within seven (7) days of any complaint filed against their nursing license in any jurisdiction in which they hold such a license.
- n. For the **first six (6) months** of the Probationary Period, demonstrate either absence of, or successful, sustained recovery from, substance abuse, by:
- i. Abstaining from the use of alcohol and all substances of abuse or substances with potential for abuse.
 - ii. Complying with random observed toxicology screening, including but not limited to testing of urine, blood or hair as determined necessary by Board staff, for a *minimum* of eight (8) tests. Compliance requires that the Respondent enroll⁵ with and maintain a current account with the Board's Drug Testing Management Company (DTMC) identified in **Attachment A** of this Order, and that the Respondent meet the conditions and procedures outlined in **Attachment A**, including but not limited to:
 - a. Calling the DTMC daily, during hours set by the DTMC to determine whether the Respondent has been selected to test on that day;
 - b. When selected to test, appearing at a lab identified by the DTMC as appropriate for collecting observed toxicology samples for the type of test that has been scheduled, during the hours of collection, and provide a sample; and

⁴ The Probationary Period is defined in paragraph 1.

⁵ The Respondent must enroll with the DTMC within seven (7) days of the Effective Date.

- c. Agreeing that the DTMC shall provide the results of random toxicology screening to the Board.

The Respondent agrees that positive toxicology screening results that are not supported by a valid prescription provided to Board staff prior to the toxicology test date are a violation of this Order.

- iii. Identifying all treatment providers, including primary care physicians, prescribers, therapist(s) and counselor(s), as of the Effective Date and reporting any change of existing treatment providers or addition of new treatment or new treatment providers within ten (10) days. After the Effective Date and upon request thereafter, providing an Authorization for Release of Information for each current treatment provider. Providing documentation from each treatment provider in which the provider verifies that they are aware of Respondent's Probation status.
- iv. Providing authorization, upon request, for Board staff to obtain the Respondent's Prescription Monitoring Program (PMP) report. Identifying all pharmacies where the Respondent has filled prescriptions within the last year and reporting any new pharmacies where the Respondent fills prescriptions during Probation. After the Effective Date and upon request thereafter, providing an Authorization for Release of Information for each pharmacy.

3. Board staff may, pending review by the Board, take immediate action to restrict nursing practice privileges following:

- a. A self-report of unauthorized substance use by the Respondent;
- b. A positive toxicology screening result that is not supported by a current and valid prescription provided to Board staff prior to the toxicology test date;
- c. A third party report that the Respondent has engaged in unauthorized substance use or has been impaired, provided that such report is supported by statement or documentation by a person to whom the Respondent has admitted such use or impairment or a person who has observed such use or impairment;
- d. A report from an out of state employer that the Respondent is under investigation for a practice issue which violates Board regulations at 244 CMR 9.00 *et seq.*

Immediate action that Board staff may take includes notifying the Respondent and any employer where the Respondent may be engaged in nursing practice, that the Respondent's nursing practice privileges have been restricted by the Board. Board staff shall inform the Respondent of the factual basis for taking immediate action. In the event that the Respondent disputes the factual basis, the Respondent agrees to refrain from the practice of nursing pursuant to their Massachusetts license until such time as the Board either determines that there is no violation, or takes action pursuant to paragraph 5.

4. If Respondent has complied to the Board's satisfaction with all the requirements contained in this Order, the Probationary Period will terminate **two (2) years** after the Effective Date.
5. If the Respondent does not comply with each requirement of this Order, or if the Board opens a Subsequent Complaint⁶ during the Probationary Period, the Respondent agrees to the following:
 - a. The Board may upon written notice to the Respondent, as warranted to protect the public health, safety, or welfare:
 - i. EXTEND the Probationary Period; and/or
 - ii. MODIFY the Probation Order requirements; and/or
 - iii. IMMEDIATELY SUSPEND the Respondent's nursing license.
 - b. If the Board suspends the Respondent's nursing license pursuant to paragraph 5(a)(iii), the suspension shall remain in effect until:
 - i. the Board gives the Respondent written notice that the Probationary Period is to be resumed and under what terms; or
 - ii. the Board and the Respondent sign a subsequent agreement; or
 - iii. the Board issues a written final decision and order following adjudication of the allegations (1) of noncompliance with this Order, and/ or (2) contained in the Subsequent Complaint.
6. If the Board suspends Respondent's nursing license in accordance with paragraph 5(a)(iii), Respondent will no longer be authorized to engage in the practice of nursing in the Commonwealth of Massachusetts and shall not in any way represent

⁶ The term "Subsequent Complaint" applies to a complaint opened after the Effective Date, which (1) alleges that the Respondent engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Respondent shall have an opportunity to respond.

themselves as a Registered Nurse until such time as the Board reinstates their nursing license or right to renew such license⁷.

The Board voted to adopt the within **Final Order** at its meeting held on January 8, 2025, by the following vote:

In favor: *A. Alley, MSN, RN, NE-BC, K.A. Barnes, JD, RPh, K. Crowley, DNP, RN, A. Joseph, MD, L. Kelly, DNP, CNP, RN, L. Keough, PhD, CNP, RN, D. Nikitas, BSN, RN, R. Reynolds, PhD, MSN, RN, R. Sesay, ASN, RN, H. Underwood, LPN*

Opposed: *None*

Abstained: *None*

Recused: *None*

Absent: *J. Monagle, PhD, RN*

EFFECTIVE DATE OF ORDER

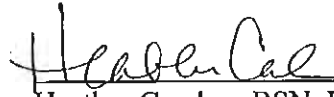
This Final Decision and Order becomes effective upon the tenth (10th) day from the date issued (see "Date Issued" below).

RIGHT TO APPEAL

Respondent is hereby notified of the right to appeal this Final Decision and Order to the Superior Court for Suffolk County or the county where Respondent resides pursuant to M.G.L. c. 30A, § 14, within thirty (30) days of receipt of notice of this Final Decision and Order.

⁷ Any evidence of unlicensed practice or misrepresentation as a Registered Nurse after the Board has notified the Respondent of their license suspension shall be grounds for further disciplinary action by the Board and the Board's referral of the matter to the appropriate law enforcement authorities for prosecution, as set forth in G.L. c. 112, §§ 65 and 80.

Board of Registration in Nursing,

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

Date Issued: January 10, 2025

Notified:

Via first-class and certified mail no.: 9589 0710 5270 0961 7557 63

Return receipt requested

And via Email

David G. Mintz, Esq.
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Martha Sesnovich, Esq.
Administrative Magistrate
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