



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

KATHLEEN E. WALSH
Secretary

ROBERT GOLDSTEIN, MD,
PhD Commissioner

Tel: 617-624-6000
www.mass.gov/dph

April 10, 2025

Via First Class and Certified Mail No. 9589 0710 5270 1211 6839 73
Return Receipt Requested and via Email

Charlene Fleming
241 Lexington St, Apt. B3-1D
Woburn, MA 01801

RE: In the Matter of Charlene Fleming
Docket No. NUR-2019-0054
License No. RN236693

Dear Ms. Fleming:

Enclosed please find 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 3 of the *Final Decision*. Your appeal rights are noted on page 3, as well.

Sincerely,

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

cc: Kim Jones, Probation Compliance Officer

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
NURSING

In the Matter of
Charlene Fleming
License No. RN236693
License Expires 12/28/2026

Docket No. NUR-2019-0054

FINAL DECISION AND ORDER ON PROBATION COMPLIANCE

I. PROCEEDINGS

On November 7, 2024, the Board of Registration in Nursing (“Board”) issued and duly served Charlene Fleming (“Respondent”) a *Notice of Violation and Intent to Extend Probationary Period* (“Notice”) related to her non-compliance with her Post-Suspension Consent Agreement for Probation (“Agreement”), effective February 22, 2024. The Notice set forth that Respondent was in violation of the Agreement and informed her of her right to request a hearing on the issue of whether or not she was in violation. Respondent submitted a timely request for a hearing.

On January 24, 2025, a *Hearing Notice* was issued to Respondent informing her that a hearing would be held before the Board on Wednesday, February 12, 2025. The *Hearing Notice* included a list and copies of documents that the Board would consider during the hearing. It also notified Respondent of her opportunity to submit documents and present witnesses.

On February 12, 2025, the Board held a hearing, in executive session, via Zoom during its regularly scheduled meeting and received evidence on the issue of Respondent’s compliance with the terms of the Agreement. Respondent participated via Zoom.

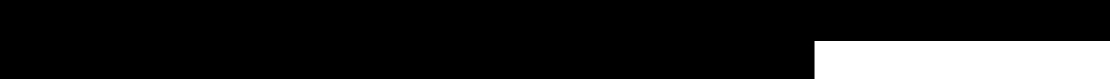
At the hearing, the Board reviewed the following documents:

1. Post-Suspension Consent Agreement for Probation, effective February 22, 2024
2. Notice of Violation and Intent to Extend, dated November 7, 2024
3. Compliance Summary Report
4. Licensee’s Written Statement and Request for Hearing, dated November 23, 2024

During the hearing, the Board heard from Board Counsel and Probation Compliance Officer, (“PCO”) Kim Jones. The summary is as follows:

- *On February 22, 2024, Licensee entered into a Post-Suspension Consent Agreement for Probation. The terms of the Agreement require Licensee to check in with the Drug*

Testing Management Company every day during the term of the probation and to submit to random observed toxicology testing.

- 
- *Licensee had missed check ins on 05/17/2024, 05/26/2024, 06/26/2024 and 08/29/2024.*

The Board heard from Respondent. The summary is as follows:

Respondent stated that she has a strong compliance history and takes responsibilities very seriously. Respondent denied non-compliance and insisted that it is the responsibility of the Board's PCO to reach out to her to discuss non-compliance. Respondent stated that although she did miss four check-ins, she has been compliant with the terms of the Agreement. Respondent stated that she is managing a lot of responsibilities and is exhausted from the Board's probation requirements and personal commitments. Respondent stated she only has one year left on her probationary period. Respondent further stated that she is trying to move forward with her life, and the Board is being punitive.

The Board discussed the details of the violations, including the four missed check-ins, and determined that these warrant the extension of probation. Board members stated that it is not the Board's fault that Respondent is in this position.

II. FINDINGS

The Board makes the following finding:

Respondent violated Paragraph 4(n) of the Agreement. The Board voted to extend the Licensee's probationary period beginning from August 29, 2024, the date of the last violation, to demonstrate two years of compliance with the Agreement.

III. ORDER

Pursuant to Paragraph 8 of the Agreement, the Board EXTENDS Licensee's Probationary Period beginning August 29, 2024, to demonstrate two years of compliance with the Agreement.

The Board voted to issue this Final Decision and Order on Probation Compliance at its meeting held on February 12, 2025, by the following vote:

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

Abstained: *None*

Recused: *None*

Opposed: *None*
Absent: *K. Crowley, DNP, RN*

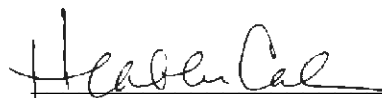
EFFECTIVE DATE OF ORDER

This Final Decision and Order on Probation Compliance 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 on Probation Compliance 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.

Board of Registration in Nursing,

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

April 10, 2025

Date Issued

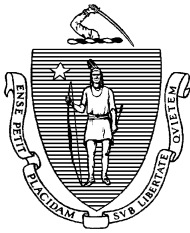
Notified:

VIA EMAIL FIRST CLASS AND CERTIFIED MAIL NO. 9589 0710 5270 1211 6839 73
RETURN RECEIPT REQUESTED AND VIA EMAIL

Charlene Fleming
241 Lexington st Apt B3-1D
Woburn, MA 01801

BY INTER-OFFICE MAIL

Kimberly Jones, Probation Compliance Officer
250 Washington Street
Boston, MA 02108



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

KATHLEEN E. WALSH
Secretary

ROBERT GOLDSTEIN, MD, PhD
Commissioner

Tel: 617-624-6000
www.mass.gov/dph

January 24, 2025

Via First Class and Certified Mail No.
Return Receipt Requested and via Email

Charlene Fleming
241 Lexington St, Apt. B3-1D
Woburn, MA 01801

RE: In the Matter of Charlene Fleming
Docket No. NUR-2019-0054
License No. RN236693

HEARING NOTICE

Dear Ms. Fleming:

On February 22, 2024, you entered into a Post-Suspension Consent Agreement for Probation ("Agreement") with the Board of Registration in Nursing ("Board"). The Agreement obligates you to comply with specified licensure conditions during the period of time while your license is on probation. A copy of the Agreement is enclosed with this letter for your review.

On November 7, 2024, the Board sent you a Notice of Violation and Intent to Extend Probationary Period ("Notice"). A copy of the Notice is enclosed with this letter. The Notice informed you that you are in violation of the Agreement and listed the facts supporting the determination that you are in violation. The Notice informed you that you had a right to a hearing on the limited issue of whether you are in compliance with, or in violation of, the terms of the Agreement, provided that you submit a written statement of facts and request for a hearing within seven (7) days.

On November 23, 2024, you submitted a written statement of facts and request for hearing. Accordingly, the Board will hold a hearing on **Wednesday, February 12, 2025.**

The Board Meeting will be held via Zoom. You will receive information by separate letter with time details and instructions on how to access the meeting in order to participate in the Zoom meeting.

The hearing 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's consideration of this matter will be in Executive Session unless you request the session be open as provided by G.L. c. 30A, §21(a)(l).

G.L. c. 30A, §21(a)(l) provides that when an Executive Session is held, the individual involved shall have the following rights:

1. To be present (via Zoom) at such Executive Session during deliberations which involve that individual;
2. To have counsel or a representative of his/her own choosing present (via Zoom) and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
3. To speak on his/her own behalf; and
4. To cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

This section of the statute also states that these rights of an individual are in addition to the rights that s/he may have from another source.

Please note that **the hearing will be limited to the issue of whether you are in compliance with, or in violation of, the terms of the Agreement.** The Board will not conduct a hearing on the facts of the complaint resolved by the Agreement.

At the hearing, the Board will consider the following documents (copies enclosed):

1. Post-Suspension Consent Agreement for Probation, effective February 22, 2024
2. Notice of Violation and Intent to Extend dated November 7, 2024
3. Compliance Summary Report
4. Licensee's Written Statement and Request for Hearing dated November 23, 2024

At the hearing, you may present additional documents relevant to the issue of whether you are in compliance with the terms of the Agreement. You may also present witnesses who agree to testify on your behalf on the date of the hearing, if such persons have firsthand knowledge about facts demonstrating your compliance. If you intend to present documents and/or witnesses at the hearing, you must provide notice to Board Counsel on or before **January 29, 2025**. Your failure to provide such notice may be grounds for the Board to refuse to consider such documents or witness testimony. Notice must include a copy of all documents you intend to submit at the hearing, as well as the names and addresses of all witnesses, with a description of the facts to which they will testify. The Board reserves the right to refuse to consider any evidence that is redundant or irrelevant.

Board Counsel for this matter is:

Meghan Bresnahan, Esq.
Board Counsel for the Board of Registration of Nursing
Office of General Counsel

250 Washington Street- 2nd Floor
Boston, MA 02108
Meghan.bresnahan@mass.gov

Sincerely,

Patricia McNamee

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



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

MAURA T. HEALEY
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Lieutenant Governor

KATHLEEN E. WALSH
Secretary

ROBERT GOLDSTEIN, MD,
PhD Commissioner

Tel: 617-624-6000
www.mass.gov/dph

November 7, 2024

Via First Class & Certified Mail No. : 9589 0710 5270 1788 9298 25
Return Receipt Requested and via Email

Charlene Fleming
299 Nahant Road, Apt. 3
Nahant, MA 01908

RE: In the Matter of Charlene Fleming
Docket No. NUR-2019-0054
License No. RN236693

NOTICE OF VIOLATION AND INTENT TO EXTEND PROBATIONARY PERIOD

Dear Ms. Fleming:

On February 22, 2024, you entered into a Post-Suspension Consent Agreement for Probation ("Agreement") with the Board of Registration in Nursing ("Board"). The Agreement obligates you to comply with specified licensure conditions during the period of time while your license is on probation. A copy of the Agreement is enclosed with this letter for your review.

You are in violation of the Agreement. Under Paragraph 8 of the Agreement, the Board may modify the probationary terms in the event that you violate any provision of the Agreement. At its meeting on October 9, 2024, the Board voted to find you in violation of the Agreement and **EXTEND your probationary period, effective in 7 days, as follows:**

- Extend your Probationary Period for two years from August 29, 2024, the date of your last violation, to demonstrate compliance with the Agreement.

The basis for the contention that you are in violation of the Agreement is as follows:

Per Paragraph 4(n) of the Agreement, you are required to "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 fifteen tests annually. Compliance requires that the Licensee enroll with and maintain a current account with the Board's Drug Testing Management Company (DTMC) identified in **Attachment A** of this Agreement, and that the Licensee 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 Licensee 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
- c. Agreeing that the DTMC shall provide the results of random toxicology screening to the Board."

As of the date of this letter, you have failed to complete this requirement. Specifically,

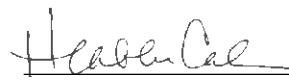
- 
- *You had missed check-ins on 05/17/2024, 05/26/2024, 06/26/2024 and 08/29/2024.*

You have a right to a hearing on the limited issue of whether you are in compliance with, or in violation of, the terms of the Agreement. You may claim your right to a hearing by submitting a written statement to the Board within seven (7) days of receipt of this letter. Your written statement must include specific facts which support the determination that you are in compliance, and not in violation, with the provisions of the agreement identified above. Your written statement must also include a request for a hearing. Please send your written statement to:

Meghan Bresnahan, Esq.
Board Counsel for the Board of Registration of Nursing
Office of General Counsel
250 Washington Street- 2nd Floor
Boston, MA 02108
Meghan.bresnahan@mass.gov

Your failure to submit a written statement of facts and request for a hearing within seven (7) days shall constitute a waiver of your right to a hearing on the issue of your violation of the Agreement.

Sincerely,

 BSN, RN, JD

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

cc: Kim Jones, Probation Compliance Officer



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

Attachment 1

MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

KATHLEEN E. WALSH
Secretary

ROBERT GOLDSTEIN, MD, PhD
Commissioner

Tel: 617-624-6000
www.mass.gov/dph

February 23, 2024

Via Email:

Via First Class Mail & Certified Mail No. 7020 0090 0000 1273 3817.

Return Receipt Requested

Charlene Fleming
299 Nahant Rd. Apt 3
Nahant, MA 01908

Re: In the Matter of Charlene Fleming; License No. RN236693
Docket No. NUR-2019-0054

Dear Ms. Fleming:

This letter acknowledges receipt by the Board of Registration in Nursing (Board) of a signed original Post-Suspension Consent Agreement for Probation (Probation Agreement) between you and the Board in resolution of the above-referenced complaint. The Board has now signed the original Agreement, a copy is enclosed for your records. In addition, your nursing license is now active. Please note the Board no longer issues paper licenses.

Enclosed are the following two (2) required probation forms that each of your nursing supervisors must complete and submit to the Board in accordance with the terms of your probation: "Supervisor Verification Form" (Form 1) and "Supervision Report Form" (Form 2). Additional copies may be made of these blank forms as needed or can be obtained from the Board's website, www.mass.gov/dph/boards/rn, through the Complaint Resolution topic link.

Please note carefully that the effective date of the Probation Agreement is February 22, 2024, as is stated on the signature page of the agreement. As of the effective date your nursing license is on probation and you must comply with all of the requirements of the Probation Agreement. It is your responsibility to ensure that the Board receives all required documentation and information by the due dates specified in the Probation Agreement. The Probation Agreement will remain in effect until you fulfill all of its conditions and the Board gives you written confirmation that your license probation has ended.

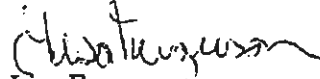
In addition, Kimberly Jones is responsible for monitoring compliance with any probation Agreement that a nurse enters into with the Board. All correspondence and documentation in connection with your Probation Agreement should be directed to her at the Board's office listed above. You may also contact her at (617) 973-0863 with any questions regarding this matter.

Please be advised that you must contact Affinity and inform them that you are now on Probation with the Board and need to change your status from the Individual program to the Probation program.

Lastly, as your Agreement provides, if you are not presently employed in a nursing position, you must notify Ms. Jones of this in writing within thirty (30) of the effective date of your probation. You will also need to remember that throughout your probationary period you must promptly notify Ms. Jones in writing if you are not employed as a nurse or of any of the other status changes designated by the Agreement.

Congratulations on the reinstatement of your Nursing license.

Sincerely,



Lisa Ferguson
Paralegal

Cc: Kimberly Jones, Nursing Probation Compliance Officer

Enclosures: Fully signed Consent Agreement, Form 1, Form 2, Attachment A

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

**BOARD OF REGISTRATION
IN NURSING**

**In the Matter of
Charlene Fleming
License No. RN236693**

Docket No. NUR-2019-0054

POST-SUSPENSION CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Nursing (Board) and Charlene Fleming (Licensee), a Registered Nurse (RN) licensed by the Board, License No. RN236693, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee agrees that this Post-Suspension Consent Agreement for Probation (Agreement) will supercede any and all previous agreements that Licensee has entered into with the Board. Further, the Licensee agrees that this Agreement has been executed as a result of the Board's:
 - a. receipt and investigation of a complaint filed against her, Docket NUR-2019-0054 (Complaint), which resulted in the suspension of her nursing license, pursuant to a Final Decision and Order issued by the Board effective December 26, 2020, in resolution of the complaint; and
 - b. consideration of the Licensee's request for license reinstatement and documentation submitted pursuant to the requirements of the Final Decision and Order referenced in the subparagraph immediately above.
2. In 2018, while holding a valid Registered Nurse license on or about August 9, 2018, a criminal complaint was issued against the Licensee for assault and battery on a family member (husband), she admitted to sufficient facts to the charge. On a couple occasions the Licensee admitted to using cocaine during party nights. The charges were continued without a finding for one year in Woburn District Court.

The charges were continued without a finding for one year in Woburn District Court. One of the conditions applied by the Court was for a substance abuse evaluation. Licensee submitted a substance abuse evaluation, which diagnosed her with cocaine use disorder.

3. The Licensee agrees that her nursing license shall be placed on **PROBATION** for no less than two (2) years (Probationary Period), commencing with the date on which the Board signs this Agreement (Effective Date).
4. During the Probationary Period, the Licensee further agrees that she 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, and not engage in any continued or further conduct such as that set forth in Paragraph 2.
 - b. Notify the Board in writing within ten (10) days of each change in her name and/or address.
 - c. Timely renew her license to practice nursing.
 - d. Respond to inquiries from Board staff in a timely manner.
 - e. Disclose the terms of this Agreement to the Program Administrator of any Nursing Education Program at which she is 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. The Licensee agrees that a qualified licensed nurse is defined as a nurse who 1) possesses a Massachusetts nursing license in good standing or authority to 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 Licensee; and 5) has no open complaints with the Board and no open criminal matters.

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.

- 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 Agreement with each of her 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 Agreement, within thirty (30) days of**

 - (1) the Effective Date and**
 - (2) any subsequent employment commenced during the Probationary Period**
 - ii. quarterly written reports², using the "Supervision Report Form" (Form 2) provided with this Agreement attesting to the quality of the Licensee's nursing practice, reliability and attendance and specifically addressing Licensee's medication administration and documentation including any errors and incidents. The Board may take action pursuant to paragraph 8 in the event that any quarterly report reveals a practice issue the Board deems significant.**
- i. Within 30 days of the Effective Date, notify the Board in writing if the Licensee is not employed in accordance with paragraph 4f.**
- j. If not employed in accordance with paragraph 4f within 30 days of the Effective Date:**

 - i. On a weekly basis: actively search for nursing employment.**
 - ii. On a monthly basis: submit to the Board a detailed description of her nursing job search activities and the status of her nursing employment.**

² The Licensee 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.

- k. Complete the Active Practice Requirements within a period up to a maximum of double the length of the Probationary Period.³
- l. Notify the Board in writing within seven (7) days of any change in the Licensee'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 her nursing license in any jurisdiction in which she holds such a license.
- n. 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 fifteen tests annually. Compliance requires that the Licensee enroll⁴ with and maintain a current account with the Board's Drug Testing Management Company (DTMC) identified in Attachment A of this Agreement, and that the Licensee 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 Licensee 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
 - c. Agreeing that the DTMC shall provide the results of random toxicology screening to the Board.

The Licensee 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 Agreement.

³ The Probationary Period is defined in Paragraph 3.

⁴ The Licensee must enroll with the DTMC within seven (7) days of the Effective Date.

- 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 she is aware of Licensee's Probation status.
 - iv. Providing authorization, upon request, for Board staff to obtain the Licensee's Prescription Monitoring Program (PMP) report. Identifying all pharmacies where the Licensee has filled prescriptions within the last year and reporting any new pharmacies where the Licensee fills prescriptions during Probation. After the Effective Date and upon request thereafter, providing an Authorization for Release of Information for each pharmacy.
 - v. Regularly participating in therapy or counseling, or both, with a licensed mental health provider who has reviewed this Probation Agreement and in accordance with a schedule determined by said provider. Arranging for the provider to submit directly to the Board on a *quarterly* basis, a signed and dated report of the Licensee's progress in therapy or counseling, or both, and verification of the Licensee's stable and sustained recovery from substance abuse, dependence and addiction including a statement of the frequency and length of therapy and counseling, and specific treatment recommendations for the Licensee's sustained recovery.
 - vi. Obtaining a sponsor and participating in Alcoholics Anonymous (AA) and/or Narcotics Anonymous (NA) meetings at least three (3) times per week, and arranging for her sponsor to submit on a *quarterly* basis directly to the Board documentation satisfactory to the Board of such participation and the Licensee's sustained recovery.
5. The Licensee agrees that 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 Licensee;
 - 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 Licensee 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 Licensee 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 Licensee 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 Licensee and any employer where the Licensee may be engaged in nursing practice, that the Licensee's nursing practice privileges have been restricted by the Board. Board staff shall inform the Licensee of the factual basis for taking immediate action. In the event that the Licensee disputes the factual basis, the Licensee agrees to refrain from the practice of nursing pursuant to her Massachusetts license until such time as the Board either determines that there is no violation, or takes action pursuant to paragraph 8.

- 6. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Agreement it will not prosecute the Complaint.
- 7. If the Licensee has complied to the Board's satisfaction with all the requirements contained in this Agreement, the Probationary Period will terminate two (2) years after the Effective Date upon written notice to the Licensee from the Board³.
- 8. If the Licensee does not comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint⁴ during the Probationary Period, the Licensee agrees to the following:
 - a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare:
 - i. EXTEND the Probationary Period; and/or
 - ii. MODIFY the Probation Agreement requirements; and/or
 - iii. IMMEDIATELY SUSPEND the Licensee's nursing license.

³ In all instances where this Agreement specifies written notice to the Licensee from the Board, such notice shall be sent to the Licensee's address of record.

⁴ The term "Subsequent Complaint" applies to a complaint opened after the Effective Date, which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

- b. If the Board suspends the Licensee's nursing license pursuant to Paragraph 8(a)(iii), the suspension shall remain in effect until:
- i. the Board gives the Licensee written notice that the Probationary Period is to be resumed and under what terms; or
 - ii. the Board and the Licensee 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 Agreement, and/ or (2) contained in the Subsequent Complaint.
9. The Licensee agrees that if the Board suspends her nursing license in accordance with Paragraph 8, she will immediately return her current Massachusetts license to practice as a Registered Nurse to the Board, by hand or certified mail. The Licensee further agrees that upon said suspension, she will no longer be authorized to engage in the practice of nursing in the Commonwealth of Massachusetts and shall not in any way represent herself as a Registered Nurse until such time as the Board reinstates her nursing license or right to renew such license¹.
10. The Licensee understands that the Board has granted her petition for reinstatement on the condition that her nursing license is placed on probation for two (2) years. She further understands and agrees that in executing this Post-Surrender Consent Agreement for Probation, she is knowingly and voluntarily waiving any rights she has to a formal adjudication concerning the Board's action on her petition for reinstatement of her nursing license.
11. The Licensee acknowledges that she has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
12. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. The Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.
13. The Licensee certifies that she has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

¹ Any evidence of unlicensed practice or misrepresentation as a Registered Nurse after the Board has notified the Licensee of her 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.

GRACOT 2/14/24 Charlene Fleming 2/14/24
Witness (sign and date) Licensee (sign and date)

GRACOT Patricia McNamara on behalf of
Witness (print name) Heather Cambra, BSN, RN, JD
Acting Executive Director
Board of Registration in Nursing

February 22, 2024
Effective Date of Agreement

Fully Signed Agreement Sent to Licensee on 2/23/2024 by Certified
Mail No. 7020 0090 0000 1273 3817