



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

March 25, 2025

Via First Class and Certified Mail No. : 9589 0710 5270 1211 6861 89
Return Receipt Requested and via Email

Cherie Heath
883 Riverside Dr, #505
North Grosvenordale, CT 06255

RE: In the Matter of Cherie Heath
Docket No. NUR-2021-0125
License No. LN87703 (Exp.)

FINAL NOTICE: SUSPENSION

Dear Ms. Heath:

On December 21, 2023, you entered into a 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 February 4, 2025, I sent you a Notice of Violation and Intent to Suspend ("Notice"). A copy of the Notice is enclosed with this letter. The Notice informed you that you are in violation of the Order and listed the facts supporting the determination that you are in violation. The Notice also informed you that the Board voted to suspend your license. 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 Order. Lastly, the Notice informed you that to claim your right to a hearing, you needed to submit a written statement of facts and request for a hearing to Board Counsel within seven (7) days.

As of the date of this letter, Board Counsel has not received from you a written statement of facts and request for a hearing. Accordingly, you have waived your right to a hearing.

Effective today, March 25, 2025, the Board **SUSPENDS your license to practice nursing indefinitely. You may not practice as a Licensed Practical Nurse in Massachusetts until the Board provides you written notice that it has reinstated your license.**

This notice constitutes a final agency action. You are hereby notified that you have a right to appeal this *Final Notice: Suspension* within thirty (30) days of your receipt of this notice, either to the Superior Court for Suffolk County or the county where you reside pursuant to M.G.L. ch. 30A, § 14, or to the Supreme Judicial Court pursuant to M.G.L. ch. 112, §64.

You may petition the Board to reinstate your license in accordance with Board's policy 17-01. Please review the attached reinstatement policy for guidance on information and documents that you will need to include with your petition. You may also contact reinstatement@mass.gov if you have any questions regarding license reinstatement.

Sincerely,

Patricia McNamara

on behalf of

Heather Cambra , BSN, RN, JD

Executive Director

Board of Registration in Nursing



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February 4, 2025

Via First Class and Certified Mail No.: 9589 0710 5270 0961 7555 96
Return Receipt Requested and via Email

Cherie Heath
883 Riverside Dr, #505
North Grosvenordale, CT 06255

RE: In the Matter of Cherie Heath
Docket No. NUR-2021-0125
License No. LN87703 (Exp.)

NOTICE OF VIOLATION AND INTENT TO SUSPEND

Dear Ms. Heath:

On December 21, 2023, you entered into a 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 impose further discipline against your license in the event that you violate any provision of the probation Agreement. At its meeting on January 8, 2025, the Board voted to **SUSPEND your nursing license, effective in 10 days.**

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

1. Paragraph 4(f) of the Agreement requires you to maintain active employment and to submit Form 1 ("Supervisor Verification Form") and Form 2 ("Supervisor Quarterly Report Form"). The Supervision Reports attest to the quality of your nursing practice, including any errors or 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.
 - *On February 29, 2024, the Probation Compliance Officer ("PCO") received a copy of Form 2 Supervision Report from Blackstone Valley Health and Rehab. The cover letter sent with this Form 2 stated that you failed to notify*

the Medical Director of a significant change in patient condition and you did not respond to proposals for continuing education. You were terminated from this position on February 27, 2024.

2. Paragraph 4(d) of the Agreement requires you to respond to inquiries from Board staff in a timely manner. Paragraph 4(j) of the Agreement requires you to maintain contact with the Board regarding your employment status.
 - *You failed to respond to the PCO's request for documentation and failed to submit the required CEUs that were due February 21, 2024. As of the date of this notice, you have been unresponsive to the Board.*
3. Paragraph 4(c) requires you to timely renew your license to practice nursing.
 - *Your Massachusetts LN license expired on January 14, 2025.*

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,

Patricia McNamara on behalf of:

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

Attachment 1



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 COLOMBINI, MD, PhD
Commissioner
Tel: 617-824-0000
www.mass.gov/dph

December 21, 2023

VIA FIRST CLASS & CERTIFIED MAIL NO. 9589 0710 5270 0684 6978 90,
RETURN RECEIPT REQUESTED

Cherie Heath
883 Riverside Dr., #505
North Grosvenordale, CT 06255
[REDACTED]

RE: In the Matter of Cherie Heath
License No. LN87703
NUR-2021-0125

Dear Cherie Heath:

Please find enclosed a fully executed Consent Agreement for Probation, effective December 21, 2023. This Agreement constitutes full and final disposition of the above-referenced complaint.

Please note that as of the effective date, your license status was changed to Probation. It will remain in this status until the Board notifies you of a change in license status in accordance with the terms of the Agreement.

Please direct all questions, correspondence and documentation relating to probation requirements to the attention of Kimberly Jones, Probation Compliance Officer, at the address above. You may also contact Ms. Jones at (617) 973 - 0863.

You may contact me at judith.bromley2@mass.gov with any questions that you may have concerning this Agreement.

Sincerely,

 /s
Judith Bromley, Esq.
Board Counsel
Board of Registration in Nursing

cc: Kimberly Jones, Probation Compliance Officer

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of
Cherie Heath
LN87703
Expires 1/14/2025

Docket No. NUR-2021-0125

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Nursing (Board) and Cherie Heath (Licensee), a Licensed Practical Nurse (LPN) licensed by the Board, License No. LN87703, 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 acknowledges that a complaint has been filed with the Board against their Massachusetts Licensed Practical Nurse License (license¹) related to the conduct set forth in paragraph 2, identified as Docket No. NUR-2021-0125 (the Complaint).
2. The Licensee acknowledges that if this matter proceeded to hearing, the Board could find that while employed and on duty as an LPN at Brookside Rehabilitation Center in Webster, MA, on or about May 14, 2021, she failed to properly document medication. The Licensee acknowledges that their conduct constitutes failure to comply with the Board's Standards of Conduct at 244 Code of Massachusetts Regulations (CMR) 9.03 (5), (39), (44) and (47), and warrants disciplinary action by the Board under Massachusetts General Laws (G.L.) Chapter 112, section 61 and Board regulations at 244 CMR 7.04, Disciplinary Actions.
3. The Licensee agrees that their nursing license shall be placed on PROBATION for no less than one (1) year (Probationary Period), commencing with the date on which the Board signs this Agreement (Effective Date).

¹ The term "license" applies to both a current license and the right to renew an expired license.

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 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 Agreement 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 nurse² 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 Massachusetts³ 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.
 - 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

² 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.

³ Or a license to practice in the jurisdiction in which the Licensee is employed.

- iii. Temporary staffing agencies.
- h. Review this Agreement 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 Agreement, within thirty (30) days of
 - (1) the Effective Date *and*
 - (2) any subsequent employment commenced during the Probationary Period
 - ii. quarterly written reports⁴, 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 failure to properly document medication, 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 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 Period.⁵
- 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.

⁴ 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.

⁵ The Probationary Period is defined in Paragraph 3.

- m. Notify the Board in writing within seven (7) days of any complaint filed against their nursing license in any jurisdiction in which they holds such a license.
 - g. Submit documentation that they have successfully completed the following continuing education⁶ within sixty (60) days after the Effective Date,
 - i. Six (6) hours on Documentation in Nursing
5. The Licensee agrees that Board staff may, pending review by the Board, take immediate action to restrict nursing practice privileges following:
- 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 their 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 one (1) year after the Effective Date upon written notice to the Licensee from the Board⁷.
 - 8. If the Licensee does not comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint⁸ during the Probationary Period, the Licensee agrees to the following:

⁶ These continuing education courses must be in addition to any contact hours required for license renewal. They may be taken as home study or as correspondence course, provided that they meet the requirements of Board Regulations at 244 CMR 5.00, Continuing Education.

⁷ 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.

⁸ 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.

- 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.
 - 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 their nursing license in accordance with Paragraph 8, they will immediately return their current Massachusetts license to practice as a Licensed Practical Nurse to the Board, by hand or certified mail. The Licensee further agrees that upon said suspension, they will no longer be authorized to engage in the practice of nursing in the Commonwealth of Massachusetts and shall not in any way represent themselves as a Licensed Practical Nurse until such time as the Board reinstates their nursing license or right to renew such license⁹.
10. The Licensee understands that they have a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication they would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on their own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further understands that by executing this Agreement they are knowingly and voluntarily waiving their right to a formal adjudication of the Complaint.

⁹ Any evidence of unlicensed practice or misrepresentation as a Licensed Practical Nurse after the Board has notified the Licensee 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 80A.

11. The Licensee acknowledges that they have been represented by legal counsel or have 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 they have 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.

Cherie Heath 12/16/23
CHERIE HEATH
Licensee (sign and date)

Debra Yeaman
Witness (print name)

[Signature] 12/11/23
Witness (sign and date)

[Signature] BSN, RN, JD
Honther Cambra
Acting Executive Director
Board of Registration in Nursing

December 21, 2023
Effective Date of Agreement

Fully Signed Agreement Sent to Licensee on 12/21/2023 by Certified Mail
No. 9500 0710 5270 0884 8878 00