



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 Email

Timothy J. Birmingham, Esq.
100 Smith Place
Cambridge, MA 02138
atty.birmingham@yahoo.com

RE: In the Matter of Daniel L'Heureux
Docket No. NUR-2020-0136
License No. LN69933

Dear Attorney Birmingham and Mr. L'Heureux:

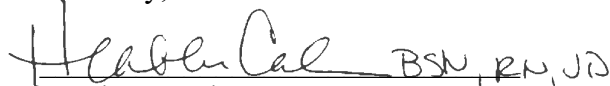
Enclosed please find the *Final Decision and Order on Probation Compliance* ("Final Decision") issued by the Board of Registration in Nursing on April 10, 2025 and **effective April 20, 2025**. Your appeal rights are noted on page 4.

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

Please direct all questions, correspondence and documentation relating to licensure reinstatement to the attention of reinstatement@mass.gov.

You may contact Meghan Bresnahan, Board Counsel at Meghan.bresnahan@mass.gov with any questions that you may have concerning this matter.

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
Daniel L'Heureux
License No. LN69933
License Expires 12/27/2025

Docket No. NUR-2020-0136

FINAL DECISION AND ORDER ON PROBATION COMPLIANCE

I. PROCEEDINGS

On November 7, 2024, the Board of Registration in Nursing ("Board") issued and duly served Daniel L'Heureux ("Respondent") a *Notice of Violation and Intent to Suspend* ("Notice") related to his non-compliance with his Final Decision and Order ("Order") effective April 27, 2024. The Notice set forth that Respondent was in violation of the Order and informed him of his right to request a hearing on the issue of whether or not he was in violation. Respondent submitted a timely request for a hearing.

On January 23, 2025, a *Hearing Notice* was issued to Respondent informing him that a hearing would be held before the Board on Wednesday, February 12, 2025.¹ The *Hearing Notice* included a list and copies of documents that the Board would consider during the hearing. It also notified Respondent of his 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 Order. Respondent and his counsel participated via Zoom.

At the hearing, the Board reviewed the following documents:

1. Final Decision and Order effective April 27, 2024
2. Notice of Violation and Intent to Suspend dated November 7, 2024
3. Licensee's Written Statement and Request for Hearing dated November 21, 2024
4. Compliance Summary Report

During the hearing, the Board heard from Board Counsel and the Probation Compliance Officer ("PCO"), Kim Jones. The summary included the following:

¹ Hearing Notices were also sent to Respondent on November 26, 2024 and December 23, 2024 but the hearing was deferred to February 12, 2025.

- *Effective April 27, 2024, the Board's Final Decision and Order after Sanction Hearing placed Respondent's nursing license on probation.*
- *The Order requires Respondent to comply with specified licensure conditions during the period of time his license is on probation including but not limited to maintaining active practice requirements, submitting quarterly supervision reports, and abstaining from the use of alcohol and controlled substances.*
- [REDACTED]
- *On September 22, 2024, Respondent had a missed check-in.*

The Board also heard from Respondent and his counsel. The summary included the following:

- *Respondent conceded that he had violated the Order.*
- *Members asked Respondent if he had been working, and he asserted he has been working as a nurse in New Hampshire for the last three and a half (3 ½) years.*
- *PCO Kim Jones asserted she has received no documentation indicating Respondent's work status or supervision reports, as required.*
- *Respondent asserted he contacted the Board asking for clarification and no one called him back. PCO Kim Jones informed Respondent that it is his responsibility to keep in contact with the Board and submit the required documentation.*

Board members voiced concerns over Respondent's failed compliance with multiple terms of the Order. Members discussed that the Respondent has not shown an understanding of the importance of the Order. Another member stated that the lack of understanding and communication is concerning because the Board has no record of Respondent's nursing practice. Board members agreed that a suspension is appropriate.

II. FINDINGS

The Board makes the following finding:

1. Respondent violated Paragraph 2(d), 2(h), 2(l), and Paragraph 3 of the Order. The Board upheld their vote of October 9, 2023, which was to suspend Respondent's license.

III. ORDER

Pursuant to Paragraph 5 of the Order, the Board orders the following:

1. The Respondent's Licensed Practical Nurse license, LN69933, is **SUSPENDED** indefinitely.
2. Respondent shall not practice as a Licensed Practical Nurse in Massachusetts on or after the Effective Date of this Order. "Practice as a Licensed Practical Nurse" includes, but is

not limited to, seeking and accepting a paid or voluntary position as a Licensed Practical Nurse or in any way representing himself as a Licensed Practical Nurse in Massachusetts. The Board shall refer any evidence of unlicensed practice to appropriate law enforcement authorities for prosecution as provided by G.L. c. 112, §§ 65 and 80A.

3. The Board may choose to reinstate Respondent's license if the Board determines in its sole discretion that reinstatement is in the best interests of the public health, safety and welfare. Respondent may petition the Board in writing for relicensure when he can provide documentation satisfactory to the Board demonstrating his ability to practice nursing in a safe and competent manner. With any petition for relicensure, the Respondent shall have submitted directly to the Board:
 - a. reports from Respondent's primary care provider and any specialist(s) whom Respondent may have consulted verifying that Respondent is medically able to resume the safe and competent practice of nursing, which meets the requirements set forth in **Attachment B 1**;
 - b. if employed during the year immediately preceding Respondent's petition for relicensure, have each employer from said year submit on official letterhead an evaluation reviewing Respondent's attendance, general reliability, and overall job performance;²
 - c. certified Court and/or Agency documentation that there are no pending actions or obligations, criminal or administrative, against the Respondent before any court or Administrative Agency including, but not limited
 - i. Documentation that *at least one (1) year prior to any petition for reinstatement* the Respondent satisfactorily completed all court requirements (including probation) imposed on her/him in connection with any criminal matter and a description of those completed requirements and/or the disposition of such matters;³ and
 - ii. Certified documentation from the state board of nursing of each jurisdiction in which the Respondent has ever been licensed to practice as a nurse, sent directly to the Massachusetts Board identifying his license status and discipline history, and verifying that his nursing license is, or is eligible to be, in good standing and free of any restrictions or conditions.
4. Documentation satisfactory to the Board of Respondent's successful completion of all continuing education equivalent to the continuing education required by Board regulations for the two (2) license renewal cycles immediately preceding any petition for relicensure.

² If Respondent was not employed during this period, submit an affidavit so attesting.

³ The Respondent shall also provide, if requested, an authorization for the Board to obtain a Criminal Offender Record Information (CORI) Report of the Respondent conducted by the Massachusetts Criminal History Systems Board and a sworn written statement that there are no pending actions or obligations, criminal or administrative, against the Respondent before any court or administrative body in any other jurisdiction.

The Board may choose to reinstate the Respondent's license if the Board determines that reinstatement is in the best interests of the public at large. Any reinstatement of the Respondent's license may be conditioned upon the Respondent entering into a Consent Order for the Probation of his license including other requirements that the Board determines at the time of relicensure to be reasonably necessary in the best interests of the public health, safety and welfare.

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:

<i>In favor:</i>	<i>A. Alley, MSN, RN, NE-BC, K.A. Barnes, JD, RPh, A. Joseph, MD, L. Kelly, DNP, CNP, RN, J. Monagle, PhD, RN, D. Nikitas, BSN, RN, R. Sesay, ASN, RN, R. Reynolds, PhD, MSN, RN, H. Underwood, LPN</i>
<i>Opposed:</i>	<i>L. Keough, PhD, CNP, RN</i>
<i>Abstained:</i>	<i>None</i>
<i>Recused:</i>	<i>None</i>
<i>Absent:</i>	<i>K. Crowley, DNP, RN</i>

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 either to the Superior Court for Suffolk County or the county where Respondent resides pursuant to M.G.L. c. 30A, § 14, or to the Supreme Judicial Court pursuant to M.G.L. c. 112, §64, within thirty (30) days of receipt of notice of this Final Decision and Order.

Board of Registration in Nursing,


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

April 10, 2025

Date Issued

Notified:

VIA EMAIL

Timothy Birmingham, Esq.
Atty.birmingham@yahoo.com

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

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ROBERT GOLDSTEIN, MD,
PhD Commissioner

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

November 7, 2024

Via First Class and Certified Mail No. 9589 0710 5270 0429 9525 74
Return Receipt Requested and via Email

Timothy J. Birmingham, Esq.
100 Smith Place
Cambridge, MA 02138
atty.birmingham@yahoo.com

RE: In the Matter of Daniel L'Heureux
Docket No. NUR-2020-0136
License No. LN69933

NOTICE OF VIOLATION AND INTENT TO SUSPEND

Dear Attorney Birmingham and Mr. L'Heureux:

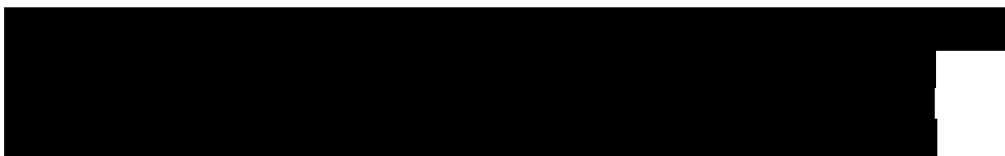
Effective April 27, 2024, the Board's Final Decision and Order after Sanction Hearing placed your license on probation. The Order obligates you to comply with specified licensure conditions during the period of time while your license is on probation. A copy of the Order is enclosed with this letter for your review.

You are in violation of the Order. Under Paragraph 5 of the Order, the Board may impose further discipline against your license in the event that you violate any provision of the probation Order. At its meeting on October 9, 2024, 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 Order is as follows:

1. Paragraph 3 of the Order requires you to abstain from the use of alcohol and/or controlled substances for the first six months of your Probationary Period.

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2. Paragraph 3(a) of the Order requires you to call the Drug Testing Management Company (DTMC) every day for the first six months of your Probationary Period.

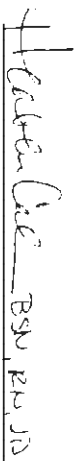
- *You had a missed check-in on 09/22/2024.*

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,


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