



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

February 21, 2024

Via First Class and Certified Mail No. 7020 0090 0000 1277 4704

Return Receipt Requested

Dawn Leach
2201 Sunnyslope Drive
Dubuque, IA 52002

RE: In the Matter of Dawn Leach

Docket No. NUR-2019-0071
License No. RN2284238

FINAL NOTICE: SUSPENSION

Dear Ms. Leach:

Effective December 25, 2022, the Board of Registration in Nursing ("Board") issued a Final Decision and Order ("Order") on the above-reference Complaint and your license was placed 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 Final Decision and Order is enclosed with this letter for your review.

On January 22, 2024, 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.

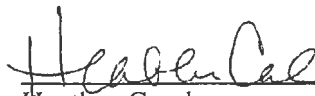
As of the date of this letter, Board Counsel has not received from you a written statement of facts and request for a hearing. Accordingly, you have waived your right to a hearing.

Effective today, February 21, 2024, the Board **SUSPENDS your license to practice nursing indefinitely. You may not practice as a Registered 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 lisa.ferguson@mass.gov if you have any questions regarding license reinstatement.

Sincerely,

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



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Governor

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Lieutenant Governor

The Commonwealth of Massachusetts
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January 22, 2024

Via First Class and Certified Mail No. 9589 0710 5270 0876 5998 41
Return Receipt Requested

Dawn Leach
2201 Sunnyslope Drive
Dubuque, IA 52002

RE: In the Matter of Dawn Leach
Docket No. NUR-2019-0071
License No. RN2284238

NOTICE OF VIOLATION AND INTENT TO SUSPEND

Dear Ms. Leach:

Effective December 25, 2022, the Board of Registration in Nursing ("Board") issued a Final Decision and Order ("Order") on the above-reference Complaint and your license was placed 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 Final Decision and Order is enclosed with this letter for your review.

You are in violation 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 January 10, 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 are as follows:

1. Per Paragraph (e) of the Order, you were to respond to inquiries from the Board in a timely manner. You failed to complete this requirement.
2. Per Paragraph (g) of the Order, you were required to maintain active employment in a position that requires a nursing license, in a facility setting where you would receive consistent, on-site supervision by a qualified licensed nurse for a minimum average of twenty (20) hours per week throughout the Probationary Period. You failed to complete this requirement.

3. Per Paragraph (n) of the Order, you were required to submit documentation that you successfully completed the following continuing education within sixty (60) days of the Effective Date:
 - a. Three (3) contact hours on Medication Administration, and
 - b. Three (3) contact hours on Documentation in Nursing.

You failed to complete this requirement.

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 Order. 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 Order 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 in 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 Order.

Sincerely,

Handwritten signature of Heather Cambra in black ink, followed by the text "BSN, RN, JD".

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

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NURSING**

Discipline Policy 17-01

Title	REINSTATEMENT PETITIONS
Purpose	The Board adopts this policy to facilitate timely responses to petitions for reinstatements that clearly do not meet requirements set by the Board. This policy also sets deadlines to allow consistent handling and limits on petitions where a petitioner has not submitted all required documentation. Lastly, this policy establishes minimum, standard reinstatement requirements for those matters where the Board notice, consent agreement or Board order do not specify reinstatement requirements.
Date Adopted	August 9, 2017
Standard Requirements	1. In the event that a licensee petitions the Board for reinstatement of his or her license and the Board notice, consent agreement or Board order that forms the basis for license surrender, suspension or revocation is silent with respect to specific reinstatement requirements, the petitioner must provide the following as part of his or her petition: a. Authorization for the Board to obtain a Criminal Offender Record Information (CORI) Report of the Respondent conducted by the Massachusetts Criminal History Systems Board; b. Either 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, or 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 in connection with any criminal matter and a description of those completed requirements and/or the disposition of such matters; c. Certified documentation from the state board of nursing of each jurisdiction in which the Respondent has ever been licensed to practice as a nurse which has been sent directly to the Massachusetts Board, identifying the petitioner's license status and discipline history, and verifying that the petitioner's nursing license is, or is eligible to be, in good standing and free of any restrictions or conditions; d. Either a sworn written statement that the petitioner was not employed during the year preceding the petition or a letter from each employer, prepared on official letterhead, describing Respondent's attendance, general reliability, and overall job performance; and e. Documentation of successful completion of all required continuing education for the two (2) license renewal cycles immediately preceding the petition. The Board may require additional documentation prior to acting on the petition, as the Board deems necessary for the protection of the public health, safety and welfare.

Denial of Petition by Staff Action	2. The Board's Executive Director is authorized to send a Notice of Denial of Petition on behalf of the Board on the basis of one or more of the following grounds. a. The minimum period of revocation, suspension or surrender per the terms of the agreement/order has not yet passed. b. More than six (6) months have passed since the petition was submitted and: i. Petitioner has failed to submit any documentation for at least one (1) or more categories of requirements unless, the Petitioner has attempted to fulfill the requirement but has been unsuccessful due to a third party's failure to act; or ii. Petitioner's documentation of attendance requirements covers less than 90% of the specified length (e.g., less than 11 months and requirement is one (1) year). c. Random urine drug testing: i. Petitioner has not yet started random urine drug testing as of the date of the petition; ii. Petitioner will not have the requisite number of months of urines screens as of six (6) months from the date of the petition; iii. Petitioner has one (1) or more positive results for a Schedule I controlled substance during the preceding 24 months; iv. Petitioner has one (1) or more positive results for a substance available only by prescription for which she cannot provide any supporting documentation (medical record, medical provider letter, prescription) during the preceding 24 months; or v. Petitioner has more than six (6) uncured missed calls or missed tests during the preceding 12 months. d. Criminal matter relating to basis for revocation, suspension or surrender is still open. e. Petitioner has failed to complete the requisite continuing education requirements within 0.5 contact hours per topic. f. Petitioner's professional license in one (1) or more jurisdictions was disciplined and has not been restored to good standing unless: i. The discipline in the other jurisdiction is based on the BORN discipline; or ii. Petitioner has attempted to restore his or her license to good standing but has been unsuccessful due to administrative barriers in the other jurisdiction. g. More than three (3) months have passed since the Board issued notice of reinstatement of licensure contingent upon the petitioner entering into a superseding consent agreement and the petitioner has failed to do so.
Subdelegation	3. The Board's Executive Director may subdelegate his or her authority under this policy to: a. Any staff person who reports directly to the Executive Director, and b. Board Counsel or staff who reports to Board Counsel.

Report to Board	4. Board Counsel, or staff who reports to Board Counsel, shall provide a written report to the Board setting forth all actions taken on the Board's behalf pursuant to this policy since the previous meeting of the Board.
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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of

Dawn Leach

RN License No. 2284238

Docket No. NUR-2019-0071

License Expires July 31, 2024

FINAL DECISION AND ORDER

Procedural History

On January 29, 2021, the Board of Registration in Nursing (“the Board”) issued an *Order to Show Cause* (“OTSC”) to Dawn Leach, the Respondent, alleging that she failed to properly document her handling of controlled substances in her custody. Further, she failed to write nurses’ notes for certain patients in her care.

The OTSC asserts that the Respondent’s conduct constitutes a violation of accepted standards of practice and Board regulations at 244 CMR 9.03(5) (failing to engage in the practice of nursing in accordance with accepted standards of practice); 244 CMR 9.03(35) (failing to maintain the security of controlled substances); 244 CMR 9.03(38) (administering any prescription drug or non-prescription drug to any person in the course of nursing practice other than as directed by an authorized prescriber); 244 CMR 9.03(39) (failing to document the handling, administration, and destruction of controlled substances in accordance with all federal

and state laws and regulations and in a manner consistent with accepted standards of nursing practice); 244 CMR 9.03(44) (failing to make complete, accurate and legible entries in all records); 244 CMR 9.03(47) (engaging in conduct that has an adverse effect on public health, safety and welfare), as well as violations of M.G.L. c.112, § 61(engaging in deceit, malpractice, gross misconduct, offense against the laws of the Commonwealth), and based on caselaw for conduct that undermines the integrity of the profession.¹

In addition to stating the allegations against Respondent, the *OTSC* notified Respondent that an *Answer* to the *OTSC* (“*Answer*”) was to be submitted within 21 days of receipt of the *OTSC*.² The *OTSC* also notified Respondent of the right to request a hearing on the allegations,³ and that any hearing request (“Request for Hearing”) was to be submitted within 21 days of receipt of the *OTSC*.⁴ Respondent was further notified that failure to submit an *Answer* within 21 days “shall result in the entry of default in the captioned matter” and, if defaulted, “the Board may enter a Final Decision and Order that assumes the truth of the allegations in the [Order to Show Cause] and may revoke, suspend, or take other disciplinary action against [Respondent’s] license ... including any right to renew [Respondent’s] license.” A copy of the *OTSC* is **attached** to this Final Decision and Order and is incorporated herein by reference.

Respondent filed her *Answer* to the *OTSC* and on March 15, 2022, Respondent and Prosecuting Counsel jointly filed a *Request for Hearing* and a “*Stipulation of Facts and Law*”, in which the parties agree that the Respondent, by her conduct, violated each of the laws, regulations, and case law grounds outlined in the *OTSC*, Grounds for Discipline.

Because the Respondent resides in Iowa, on May 26, 2022, the Board held a virtual Sanctions Hearing before Administrative Magistrate Diane Barry, (“the Magistrate”). On September 19, 2022, the Magistrate issued her *Tentative Decision After Hearing on Sanction* (“*Tentative Decision*”). The Board adopts the *Tentative Decision*, including all findings of fact, conclusions of law and credibility determinations as its Final Decision. The *Tentative Decision*

¹ Sugarmian 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).

² In accordance with 801 CMR 1.01(6)(d)(2).

³ Pursuant to M.G.L. c. 112, § 61.

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

is attached hereto and incorporated herein by reference.

The Board voted to adopt the within Final Decision at its meeting held on December 14, 2022, by the following vote:

In Favor: K. A. Barnes, JD, RPh, : K. Crowley, DNP, L. Harty, LPN, L. Kelly, DNP, CNP, RN, L. Keough, PhD, CNP, RN, J. Monagle PhD, RN, D. Nikitas, BSN, RN, C. Norris, LPN, V. Percy, MSN, R. Reynolds, PhD, MSN, RN. A. Sprague, BS, RN; *Opposed:* None; *Abstained:* None; *Absent:* A. Alley, MSN, RN, L. Wu, MBA, RN.

Discussion

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 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). In the instant case, Respondent admitted that she failed to account for certain medications that she withdrew from the facility's medication supply, that she documented the administration of medications before actually removing them from the PYXIS system, and that she failed to write nursing notes on two or more patients in her care who received controlled substances.

This Board has previously disciplined nurses for engaging in conduct similar to the Respondent. *See, In the Matter of Patti Turner, Docket No. NUR-2015-001* (Final Decision & Order, September 25, 2020, wherein the Board ordered that Respondent's license be placed on Probation for six months because she stipulated that she failed to document required information in patients' medical records and that she documented inaccurate information in patients' medical records, in violation of 244 CMR 9.03(5), (15), (31), (38), (39), (44), and (47)). *See also, In the Matter of John Handren, Docket No. NUR-2011-0265*, (Final Decision & Order,

July 11, 2014, wherein the Board ordered a Stayed Suspension and Probation for one year with remedial CEUs and monitored practice because Respondent's conduct violated 244 CMR 9.03 (5), (35), (39), (44), (46), and (47)).

ORDER

Based on its Final Decision, the Board orders that Respondent's license to practice as a Registered Nurse in Massachusetts ("RN"), RN License No. 2284238 be placed on PROBATION for a period of six (6) months. Respondent's practice may be monitored by a licensed registered nurse in the jurisdiction where she is employed, given that she resides outside of Massachusetts. The Respondent's RN license shall be placed on PROBATION for no less than six (6) months (Probationary Period), commencing with the date on which the Board signs this Order (Effective Date). During the Probationary Period, the Respondent shall comply with all of the following requirements to the Board's satisfaction:

- a. 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.
- b. 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 the Order to Show Cause.
- c. Notify the Board in writing within ten (10) days of each change in her name and/or address.
- d. Timely renew her license to practice nursing.
- e. Respond to inquiries from Board staff in a timely manner.
- f. Disclose the terms of this Order to the Program Administrator of any Nursing Education Program at which she is enrolled during the Probationary Period.

- g. Maintain active employment (Active Practice Requirements) in a position that requires a nursing license, in a facility setting where the Respondent receives consistent, on-site supervision by a qualified licensed nurse⁵ for a minimum average of twenty (20) hours per week throughout the Probationary Period.
- h. a qualified licensed nurse is defined as a nurse who 1) possesses a Massachusetts⁶ 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 Respondent; and 5) has no open complaints with the Board and no open criminal matters.
- i. Review this Order 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 Order, within thirty (30) days of
 - (1) the Effective Date *and*
 - (2) any subsequent employment commenced during the Probationary Period
 - ii. *quarterly* written reports⁷, 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 documentation practice including any errors and incidents. The Board may take action in the event that any quarterly report reveals a practice issue the Board deems significant.
- j. Within 30 days of the Effective Date, notify the Board in writing if the Respondent is not employed in accordance with paragraph f.

⁵ 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.

⁶ Or a license to practice in the jurisdiction in which the Licensee is employed.

⁷ 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.

Leach, L.

NUR-2019-0071

- k. Complete the Active Practice Requirements within a period up to a maximum of double the length of the Probationary Period.⁸
- 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 her nursing license in any jurisdiction in which she holds such a license.
- n. Submit documentation that she has successfully completed the following continuing education⁹ within sixty (60) days after the Effective Date:
 - i. three (3) contact hours of continuing education on the topic of "Medication Administration", and
 - ii. three (3) contact hours of continuing education on the topic of "Documentation in Nursing."

The Board voted to adopt the within Final Order at its meeting held on December 14, 2022, by the following vote:

In Favor: K. A. Barnes, JD, RPh, : K. Crowley, DNP, L. Harty, LPN, L. Kelly, DNP, CNP, RN, L. Keough, PhD, CNP, RN, J. Monagle PhD, RN, D. Nikitas, BSN, RN, C. Norris, LPN, V. Percy, MSN, R. Reynolds, PhD, MSN, RN, A. Sprague, BS, RN; *Opposed:* None; *Abstained:* None; *Absent:* A. Alley, MSN, RN, L. Wu, MBA, RN.

⁸ The Probationary Period is defined in Paragraph 1.

⁹ 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.

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 Supreme Judicial Court pursuant to M.G.L. c. 112, §64. Respondent must file any appeal within thirty (30) days of receipt of this notice of Final Decision and Order.

Board of Registration in Nursing,

Patricia McNamee on behalf of:

Claire L. MacDonald DNP, RN

Executive Director

Board of Registration in Nursing

Date Issued: December 15, 2022

Notified:

By first-class and certified mail no.

Return Receipt Requested

Brett R. Corson, Esq.
Wilson Elser, Moskowitz, Edelman & Dicker, LLP
260 Franklin Street, 14th Floor
Boston, MA 02110-3112

By interoffice mail

Richard Banks, Esq.
Prosecuting Counsel
Department of Public Health
250 Washington Street
Boston, MA 02108

By interoffice mail

Diane E. Barry, Esq.
Administrative Magistrate
Department of Public Health
250 Washington Street
Boston, MA 02108