

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS**

Middlesex, ss.

Department of Public Health,
Petitioner,

Docket No.: PHNA-24-0547

v.

Tyanna Dancy,
Respondent.

Appearances:

For Petitioner: Ryan Gibbons, esq.
For Respondent: Tyanna Dancy, pro se

Administrative Magistrate:

Eric Tennen

ORDER GRANTING MOTION FOR SUMMARY DECISION

The Respondent, Tyanna Dancy, was a home health aide. She was accused of misappropriating property from her client (by making unauthorized purchases using a family member's credit card). She was also charged criminally for the same conduct. During the pendency of this appeal, she admitted to sufficient facts in her criminal case and the matter was continued without a finding. After that, the Department of Public Health (DPH) moved for summary decision. Ms. Dancy filed a response to DPH's motion on January 28, 2026.

UNDISPUTED FACTS

Based on the three exhibits attached to DPH's memorandum, and Ms. Dancy's response, the following facts are not in dispute:

1. Ms. Dancy was a home health aide who worked at a private residence for Patient #1. (Ex.

- 1.)
2. Patient #1 discovered that someone had purchased several items at Walmart using their credit card and without their consent. (Ex. 1.)
3. A police investigation revealed that one purchase was for a television, which Ms. Dancy picked up from Walmart; for that purchase, she used her phone number as a contact. The second purchase was picked up by someone who was living with Ms. Dancy and used her same address. It also appears they were in a dating relationship.¹ (Ex. 2.)
4. Ms. Dancy was charged with three offenses related to this conduct in Westfield District Court. (Ex. 3.)
5. On October 31, 2024, she admitted to sufficient facts for all three counts and her case was continued without a finding (CWOFF).² (Ex. 3.)
6. Ms. Dancy does not dispute this disposition. To her credit, she takes responsibility and offers several mitigating circumstances.³ (Ms. Dancy's response).

¹ The investigation uncovered more information that clearly linked Ms. Dancy and her partner with the purchases. (Ex. 2.) Because Ms. Dancy does not dispute the facts, I will not explain the investigation in greater detail. Suffice it to say, the results of the investigation corroborated the allegations that Ms. Dancy was involved in misappropriating Patient #1's property.

² A defendant may be given a CWOFF after they admit to sufficient facts, which "means an admission to facts sufficient to warrant a finding of guilty." *Tirado v. Bd. of App. on Motor Vehicle Liability Policies and Bonds*, 472 Mass. 333, 339 (2015); G.L. c. 278, § 18. The defendant is then put on probation for some period of time; if they successfully complete it, their case is dismissed. G.L. c. 278, § 18. That happened here. Ms. Dancy's case was dismissed one year after she was given a CWOFF. (Ex. 3.)

³ The reasons for Ms. Dancy's conduct are highly personal and need not be recited in this public decision. The letter is in the record and available to DPH. By her account, the circumstances that led to her actions were unique and extremely unlikely to reoccur.

DISCUSSION

Summary decision may be granted when “there is no genuine issue of fact relating to all or part of a claim.” 801 Code of Mass. Regs. § 1.01(7)(h). “In such a circumstance, a hearing serves no useful purpose.” *Jordan v. State Bd. of Ret.*, CR-21-0201, 2022 WL 16921458 (Div. Admin. L. App., Feb. 18, 2022). This is such a case.

DPH is responsible for establishing and maintaining a Nurse Aid Registry. G.L. c. 111 § 72J; 105 Code of Mass. Regs. § 155.016(A). The registry lists all “individuals who have met the federal requirements for competency . . . and have been certified as nurse aides[.]” *Id.* The registry must also contain all valid findings of abuse, neglect or misappropriation by a certified nurse aide. G.L. c. 111 § 72J; 105 Code of Mass. Regs. § 155.016(C). Misappropriation is defined as “[t]he deliberate misplacement, exploitation or wrongful temporary or permanent use of a patient’s or resident’s belongings or money without such patient’s or resident’s consent.” 105 Code of Mass. Regs. § 155.003.

Here, there is uncontested, corroborative evidence to make a finding that Ms. Dancy misappropriated Patient #1’s property. Ms. Dancy acknowledged her role in court by admitting to sufficient facts and receiving a CWOFF. Moreover, Ms. Dancy does not dispute her actions in this case.⁴

⁴ Again, I commend Ms. Dancy for taking responsibility and explaining the extremely difficult personal issues that led to her actions.

CONCLUSION AND ORDER

DPH has established that Ms. Dancy misappropriated a patient's property. The information must be listed on the registry. DPH should take Ms. Dancy's mitigating circumstances into consideration in any subsequent discipline it might impose.

SO ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

Date: February 18, 2026

Eric Tennen

Eric Tennen
Administrative Magistrate