

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Dep't of Public Health,
Petitioner

Docket No. PHET-20-0164

February 7, 2025

v.

Keri L. Norris,
Respondent

Appearance for Petitioner:

Ryan T. Gibbons, Esq.
Deputy General Counsel
Dep't of Public Health
250 Washington St., 2nd fl.
Boston, MA 02108-4619

Appearance for Respondent:

Keri Norris Belmore, pro se
154 Karen Circle
Holliston, MA 01746

Administrative Magistrate:

Mark L. Silverstein, Esq.

SUMMARY OF DECISION

EMT License Suspension and Temporary Revocation by Massachusetts Department of Public Health, M.G.L. c. 111C, §§ 1-24 and 105 C.M.R. § 170 - Emergency Medical

**Technician (EMT) Certification - Substance Abuse Rehabilitation Program (SARP)
noncompliance - Dismissal of appeal - Mootness - Settlement agreement.**

DECISION - ORDER OF DISMISSAL

On February 18, 2020, the Massachusetts Department of Public Health (DPH) issued a notice of agency action immediately suspending, and proposing to temporarily revoke, the certification of respondent Keri L. Norris as an Emergency Medical Technician (EMT) for a minimum of two years, pursuant to M.G.L. c. 111C, §§ 2(1) and 105 C.M.R. § 170.750. DPH did so based upon a prior decision of the Massachusetts Board of Registration in Nursing (the Board), issued on August 16, 2018, entitled *Final Decision and Order on SARP (Substance Abuse Rehabilitation Program) Compliance*. The Board had charged Ms. Norris with having violated her SARP Agreement, which she had entered into in late May 2017, as a voluntary alternative to immediate nursing license suspension for having removed controlled substances from a hospital where she had worked as a Registered Nurse without an order allowing her to do so. Following a hearing held during a regular Board meeting at which Ms. Norris and her counsel appeared, the Board found that Ms. Norris had violated her prior SARP Agreement, as it had charged, by (1) not abstaining from the use of alcohol and all other substances of abuse or with potential for abuse, based upon a urine test sample in January 2018 that tested positive for ethanol ingestion; (2) asserting that she had been exposed to ethanol during a Natick Fire Department response to a gasoline spill based upon what the Board determined to have been an incident report that could not be authenticated or verified and therefore appeared to have been falsified; and (3) was untruthful when she appeared before the Board on May 9, 2018 and June 13, 2018. DPH asserted, in the notice of agency action, that the EMT certification suspension

and temporary revocation were necessary because the misconduct alleged by the Board's Final Decision and Order endangered public health and safety.

On March 20, 2020, Ms. Norris filed an answer to the DPH notice of agency action. Among the responses and defenses she raised in her answer, Ms. Norris denied that she had violated her SARP Agreement with the Board; instead, she claimed to have consumed alcohol on a single occasion while off duty, but had not consumed alcohol while on duty and had not worked while impaired as a nurse, paramedic, EMT or firefighter. In these circumstances, Ms. Norris asserted, she violated no specific statutory or regulatory provision governing EMT certification; instead, she claimed further, DPH was taking further disciplinary action against her on behalf of the Board of Registration in Nursing, which it lacked authority to do.

DALA scheduled a prehearing conference for April 28, 2020. At that time, Ms. Norris was represented by counsel. The conference was cancelled without rescheduling when DALA's offices were closed on account of the COVID 19-related health emergency at the time. There were no further filings, or orders or notices issued, in this appeal until December 30, 2024, when I issued an Order directing the parties to report their updated regular and email addresses and the status of efforts to resolve this matter by agreement.

DPH and Ms. Norris's former counsel received the order, and reported (on January 30 and 31, 2025, respectively) that the matter was settled by agreement on September 20, 2020. Ms. Norris's counsel, who stated that he and his law firm had not represented Ms. Norris since 2023, reported conferring with her to confirm the resolution by agreement.¹ Neither party moved for dismissal, but nor did either of them request that I defer dismissal, or that I issue a recommended

¹/ With no appearance by a successor representative, I consider Ms. Norris to be self-represented. As a courtesy, a copy of this Decision is being mailed to her and to her prior counsel, who had not formally withdrawn until after he responded to the status report order.

decision rather than a final decision dismissing the appeal. In addition, neither party filed the settlement agreement or stated how the agreement disposed of the appealed EMT certification suspension and proposed temporary revocation.

The parties' reported resolution of this matter by agreement several years ago leaves nothing to be adjudicated here, and the appeal may be dismissed, therefore, without first issuing a recommended decision. Accordingly, this appeal is dismissed for lack of jurisdiction, based upon its mootness, pursuant to 801 C.M.R. § 1.01(7)(g)3. Absent any report of a different outcome by agreement, the disposition of the appealed notice of agency action suspending Ms. Norris's Massachusetts EMT certification and its proposed temporary revocation is deemed to have been as the parties' 2020 agreement provided.

SO ORDERED.

This is a final decision. The parties are hereby notified that any person aggrieved by this Decision may seek judicial review by filing, within 30 days of receiving notice of it, an appeal with the Superior Court pursuant to M.G.L. c. 30A, § 14. The parties are also hereby notified further that, within ten days from the date on which this Decision is sent to them, either of the parties to this proceeding may move for reconsideration, pursuant to 801 C.M.R. § 1.01(7)(l), in order to "correct a clerical or mechanical error in the decision or a significant factor that [DALA or the Administrative Magistrate] may have overlooked in deciding the case."

DIVISION OF ADMINISTRATIVE LAW APPEALS

/s/ Mark L. Silverstein

Mark L. Silverstein
Administrative Magistrate

Dated: February 7, 2025