



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
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Commissioner

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

October 23, 2023

VIA FIRST CLASS & CERTIFIED MAIL NO. 7020 0090 0000 1279 3480,
RETURN RECEIPT REQUESTED

Laurie MacLean
P.O. Box 220104
Boston, MA 02122

Re: In the Matter of Laurie MacLean; RN-07-050
License No. RN228325

Dear Ms. MacLean:

Enclosed is the *Final Decision and Order on Probation Compliance* (“*Final Decision*”) issued by the Board of Registration in Nursing (“Board”) in connection with the above-referenced matter. The effective date of the Board’s Order is ten (10) days from the date appearing on page 3 of the *Final Decision*. Your appeal rights are noted on page 3 as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Cambra", followed by the text "BSN, RN, JD".

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

cc. Kimberly Jones, Nursing Probation Compliance Officer

Enclosure

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of)

Laurie MacLean)

License No. RN228325)

License expiration 11/7/24)

Docket No. RN-07-050

**FINAL DECISION AND ORDER
ON COMPLIANCE WITH LICENSURE CONDITIONS**

I. PROCEEDINGS

Laurie MacLean (“Respondent”) a *Notice of Violation and Further Discipline* related to the *Post Suspension Consent Agreement for Probation* (“*Agreement*”) entered into by the Board and the Respondent, effective December 13, 2013. In addition to stating the alleged violations, the *Notice of Violation and Further Discipline* notified the Respondent of her opportunity for a hearing on issue of her compliance with the probation terms of the *Agreement*.

On September 20, 2023, and October 1, 2023, the Respondent submitted a written statement of facts which she contends demonstrates her compliance with the licensure conditions incorporated into the *Agreement* and requested a hearing.

On July 31, 2023, and October 5, 2023, the Board issued a *Hearing Notice* to the Respondent advising that a hearing would be held before the full Board on October 11, 2023. The *Hearing Notice* provided the Respondent with a list of documents that the Board would consider during such hearing. The *Hearing Notice* also notified the Respondent of her opportunity to submit documents and present witnesses that are relevant to the issue of her compliance.

On October 11, 2023, the Board held a hearing and received evidence on the issue of compliance with licensure conditions during the executive session of its regularly scheduled meeting. The Respondent was present. At the hearing, Board Counsel Lynn Worley presented evidence in support of the allegations that the Respondent has not complied with the licensure conditions. Counsel also presented a recommendation for Board Findings and Action. The Respondent presented evidence in support of her contention that she is in compliance with the *Agreement*. Following the receipt of evidence, the Board entered Adjudicatory Session to deliberate and vote with respect to their findings, decision, and order.

At the hearing, the Board received the following documents into evidence:

1. The *Agreement*;
2. *Notice of Violation and Further Discipline*;

3. Documents related to Licensee's termination from Berkshire Healthcare;
4. Probation Officer's Memo; and,
5. Documents provided by the Licensee, including her worker's health claim and resignation, as well as CEUs and co-worker references.

At the hearing, the Board heard from Board Counsel who asserted the following:

- i. Per Paragraph 7 of the Licensure Conditions, the Respondent was required to maintain active employment in a registered nurse position and notify the Board of any change in employment and have supervisor's report as to the quality of Licensee's practice. However, the Respondent failed to maintain active employment despite five (5) extensions to allow Licensee to find and maintain employment over 10 years. Licensee's supervisory report found that Licensee failed to meet expectations and was disciplined then terminated.
- ii. Aggravating factors presented were the length of time Licensee failed to comply with the active employment requirement (10 years) and the number of extensions the Board had granted Licensee.

At the hearing, the Board heard from the Respondent who asserted the following:

- i. She stated that she resigned from her nursing position and was not terminated.
- ii. Licensee alleged that the DON wanted to get rid of her because she was on probation.
- iii. Licensee produced her resume which indicated that she still has not complied with the requirement that she be actively employed in a nursing position.

II. FINDINGS

After deliberation the Board makes the following findings:

1. The Respondent violated the Agreement by failing to comply with Paragraphs 4(d), (e) and (f) of the Licensure Conditions.

Based the length of time Licensee failed to comply with the active employment requirement (10 years), the number of extensions the Board had granted Licensee to obtain active nursing employment and her termination from Berkshire Healthcare, the Board found that Licensee failed to comply with her Post Suspension Consent Agreement.

The Board orders

that the Respondent's license to practice as a Registered Nurse shall be **suspended** for an INDEFINITE PERIOD, commencing with the effective ten (10) days from date of this *Final Decision and Order on Compliance with Licensure Conditions*.

The Board voted to issue this *Final Decision and Order on Compliance with Licensure Conditions*, by the following vote:

In favor: L. Kelley, CNP; A. Alley, MSN, RN; K. Barnes, JD, RPh; K. Crowley, DNP;
A. Joseph, MD; L. Keough, PhD, CNP; M. McCauliff, DNP, RN; J.
Monagle, PhD, RN; V. Percy, MSN, RN; R. Reynolds, PhD, RN, MSN;
A. Sprague, ASN, RN

Opposed: None

Abstained: None

Recused: None

Absent: K. Barnes, JD, RPH; A Sprague, ASN, RN; Lisa Wu, MBA, RN

III. EFFECTIVE DATE OF ORDER

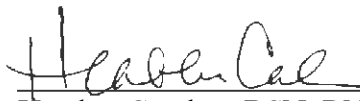
This *Final Decision and Order on Compliance with Licensure Conditions* becomes effective upon the tenth (10th) day from the date it is issued (see “Date Issued” below).

IV. RIGHT TO APPEAL

Respondent is hereby notified that this *Final Decision and Order on Compliance with Licensure Conditions* constitutes a final agency action. Respondent is hereby notified that she has a right to appeal this action 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

Board of Registration in Nursing

Date Issued: October 23, 2023

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

Notified:

**Via First Class & Certified Mail No. 7020 0090 0000 1273 3480,
Return Receipt Requested**

Laurie MacLean
P.O. Box 220104
Boston, MA 02122

Via Interoffice Mail

Kimberly Jones
Nursing Probation Compliance Officer
250 Washington Street, 3rd Floor
Boston, MA 02108

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of
Laurie Maclean
RN License No. 228325
LN License No. 52082

Docket No. RN-07-050

POST SUSPENSION CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Nursing (Board) and Laurie Maclean (Licensee), a Registered Nurse (RN) licensed by the Board, License No. 228325, 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 agrees that this Post-Suspension Consent Agreement for Probation ("Agreement") will supercede any and all previous agreements/orders that she has entered into with the Board. Further, the Licensee agrees that this Agreement has been executed as a result of the Board's:
 - a. receipt and investigation of a complaint filed against her, Docket RN-07-050, which resulted in the suspension of her nursing licence, pursuant to a Final Decision and Order with the Board effective July 26, 2009 in resolution of the complaint; and
 - b. consideration of the Licensee's request for license reinstatement and documentation she submitted pursuant to the requirements of the Post-Suspension Consent Agreement referenced in the subparagraph immediately above.
2. The Board found that while employed as a Registered Nurse by Nursefinders Agency and assigned to the Hunt Nursing and Retirement Home in Danvers, MA, on or about June 4, 2006, she falsified a telephone order for medication and administered medication without valid authorization. The Licensee acknowledged that her conduct constitutes failure to comply with the Board's Standards of Conduct at 244 Code of Massachusetts Regulations (CMR) 9.03(5), (10), (31), (38), (39), (44) and (47) and warranted 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 her 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).

Maclean, Laurie
RN228325
LN52082
RN-07-050

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 her name and/or address.
 - c. Timely renew her license to practice nursing.
 - d. Maintain active employment in a position that requires a nursing license, in a setting where the Licensee receives consistent, on-site supervision by a qualified licensed nurse¹, for a minimum average of twenty (20) hours per week throughout the Probationary Period. The Licensee may not accept any home care, travel or temporary staffing assignment, or practice where consistent, on-site supervision is not in place.
 - i. If the Licensee is not employed in accordance with Paragraph 4d at any time during the Probationary Period, she shall notify the Board's Probation Monitor in writing within thirty (30) days.
 - e. Review this Agreement 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 Agreement, within thirty (30) days of
 - (1) the Effective Date *and*
 - (2) any subsequent employment commenced during the Probationary Period
 - ii. *quarterly* written reports², 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

¹ The Licensee must receive direct supervision from a licensed nurse who must have at least one (1) year of clinical nursing practice experience, no open complaints, no past discipline of the nurse's license, and who is physically located at all times in each facility in which the Licensee practices nursing.

² 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.

specifically addressing Licensee's administration of medication including any errors and incidents³.

- f. Notify the Board in writing within ten (10) 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.
5. 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.
6. 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 Board⁴.
7. If the Licensee does not comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint⁵ during the Probationary Period, the Licensee agrees to the following:
 - 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 7(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

³ The Board may take action under paragraph 7 in the event that the reports reveal a practice issue which the Board deems significant.

⁴ 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.

⁵ 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.

- 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.
8. The Licensee agrees that if the Board suspends her nursing license in accordance with Paragraph 7, she will immediately return her current Massachusetts license to practice as a Registered Nurse to the Board, by hand or certified mail. The Licensee further agrees that upon said suspension, she will no longer be authorized to engage in the practice of nursing in the Commonwealth of Massachusetts and shall not in any way represent herself as a Registered Nurse until such time as the Board reinstates her nursing license or right to renew such license⁶.
9. The Licensee understands and agrees that in executing this document entitled "Post-Suspension Consent Agreement for Probation," she is knowingly and voluntarily waiving any rights she has to a formal adjudication concerning the Board's action on her request for termination of her suspension of her nursing license in connection with the above-captioned complaint, the rights that she would possess during such an adjudication and to those other rights listed above.
10. The Licensee acknowledges that she has been at all times free to seek and use legal counsel in connection with the complaint and this Agreement.
11. 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.
12. The Licensee certifies that she has 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.

⁶ Any evidence of unlicensed practice or misrepresentation as a Registered Nurse after the Board has notified the Licensee of her 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 80 and 80 A.

Jean Parli Laurie Maclean 12-05-2013
Witness (sign and date) 12-5-2013 Licensee (sign and date)
Laurie Maclean

Jeannie Larkin Rula Harb
Witness (print name) Rula Harb, MSN, RN
Executive Director
Board of Registration in Nursing

December 13, 2013
Effective Date of Agreement

Fully Signed Agreement Sent to Licensee on 12/13/13 by Certified
Mail No. 7007 1490 6002 8458 7981