

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, COUNTY

BOARD OF REGISTRATION IN
NURSING

In the Matter of
Linda Meehan
License No. RN/PCNS155505
License Expires 08/12/2024

Docket No. NUR-2018-0008

FINAL DECISION AND ORDER ON PROBATION COMPLIANCE

I. PROCEEDINGS

On January 22, 2024, the Board of Registration in Nursing (“Board”) issued and duly served Linda Meehan (“Respondent”) a *Notice of Violation and Intent to Suspend* (“Notice”) related to her non-compliance with her Final Decision and Order (“Order”), effective April 24, 2021. The Notice set forth that Respondent was in violation of the Order and informed her of her right to request a hearing on the issue of whether or not she was in violation. Respondent submitted a timely request for a hearing.

On February 28, 2024, a *Hearing Notice* was issued to Respondent informing her that a hearing would be held before the Board on Wednesday, March 13, 2024 in executive session. The *Hearing Notice* included a list and copies of documents that the Board would consider during the hearing. It also notified Respondent of her opportunity to submit documents and present witnesses. The executive session of the Board meeting scheduled for March 13, 2024 was cancelled due to lack of quorum. Licensee was informed of same. A new Hearing Notice (rescheduled) was issued to Respondent on March 21, 2024, informing her that the hearing would be held before the Board on Wednesday, April 10, 2024.

On April 10, 2024, 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 participated by Zoom.

At the hearing, the Board reviewed the following documents:

1. Final Decision and Order effective April 24, 2021
2. Notice of Violation and Intent to Suspend dated January 22, 2024
3. Written Statement by Licensee dated February 5, 2024
4. Compliance Summary Report

During the hearing, the Board heard from Board Counsel and the Probation Compliance Officer. The record reflects the following:

1. The Board's Final Decision and Order on NUR-2018-0008 placed Respondent's license on Probation for no less than one (1) year "Probationary Period", effective April 24, 2021.
2. The Order contained the standard probation requirements, including notifying the board of each change in name and/or address (paragraph 1(b)), responding to inquiries from Board staff in a timely manner (paragraph 1(d)), and maintaining active practice requirements with supervision (paragraph 1(f)).
3. A Notice of Violation was sent to Respondent on January 22, 2024, indicating that the Board would exercise its discretion under the Order and suspend Respondent's license due to violations of the Order. Respondent was informed of her right to a hearing. Respondent timely requested a hearing.
4. The Probation Compliance Officer presented Respondent's Compliance Summary Report:
 - Respondent failed to notify the Board of any name and/or address change.
 - Respondent failed to respond to inquiries from Board staff in a timely manner. Respondent had not contacted the Board since March 2022. The Probation Compliance Officer sent several requests for work updates via email and US mail to which Respondent failed to respond.

The Board then heard from Respondent. Respondent provided a brief personal statement and explanation to the Board for the lack of communication and expressed regret and accountability. Respondent further expressed her desire to continue working in the nursing profession and that she was actively looking for a nursing position.

II. FINDINGS

The Board makes the following finding:

1. Respondent violated paragraph 1(b) and (d) of the Order. However, the Board voted to extend the Respondent's Probationary Period by three (3) months.

III. ORDER

Pursuant to paragraph 4 of the Order, the Board **EXTENDS** Respondent's Probationary Period by three (3) months from April 10, 2024, to demonstrate compliance with the Order.

The Board voted to issue this Final Decision and Order on Probation Compliance at its meeting held on April 10, 2024, by the following vote:

In favor: K. Crowley, A. Joseph, L. Keough, J. Monagle, D. Nikitas, A. Sprague

Abstained: None

Recused: None

Opposed: A. Alley, L. Kelly, M. McAuliffe, V. Percy, R. Reynolds

Absent: K.A. Barnes, L. Wu

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 on Probation Compliance to a Superior Court with jurisdiction pursuant to M.G.L. c. 30A § 14. Respondent must file any appeal within thirty (30) days of receipt of this notice of Final Decision and Order on Probation Compliance.

Board of Registration in Nursing,

 BSN, RN, JD

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

May 9, 2024

Date Issued

Notified:

VIA FIRST CLASS AND CERTIFIED MAIL NO. 9589 0710 5270 0429 9638 46
RETURN RECEIPT REQUESTED

Linda Meehan
33 Washington Street, Apt. 102
Newburyport, MA 01950

BY INTER-OFFICE MAIL

Kimberly Jones, Probation Compliance Officer
250 Washington Street
Boston, MA 02108



MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

KATHLEEN E. WALSH
Secretary

ROBERT GOLDSTEIN, MD,
PhD Commissioner

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

January 22, 2024

Via First Class and Certified Mail No. 7022 2410 0001 6856 2158
Return Receipt Requested

Linda Meehan
33 Washington Street, Apt. 102
Newburyport, MA 01950

RE: In the Matter of Linda Meehan
Docket No. NUR-2018-0008
License No. RN/PCNS155505

NOTICE OF VIOLATION AND INTENT TO SUSPEND

Dear Ms. Meehan:

Effective April 24, 2021, 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. Under Paragraph 4 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 1(b) of the Order, you are required to notify the Board in writing within ten (10) days of any name and/or address change. You failed to complete this requirement.
2. Per Paragraph 1(d) of the Order, you are required to respond to inquiries from Board staff in a timely manner. You failed to complete this requirement. You have not contacted the Board since March 2022. The Probation Compliance Officer has sent

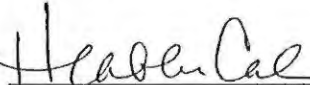
you several requests for work updates via email and US mail to which you failed to respond.

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 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,

 BSN, RN, JD

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

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, COUNTY

BOARD OF REGISTRATION IN
NURSING

In the Matter of
Linda Meehan
License No. RN/PCNS155505
RN expires¹: 8/12/2020

Docket No. NUR-2018-0008

FINAL DECISION AND ORDER

Procedural History

On May 16, 2019, the Board of Registration in Nursing ("Board") issued and duly served on Linda Meehan ("Respondent"), a Registered Nurse with authorization to engage in the advanced practice of nursing as a Psychiatric Clinical Nurse Specialist, an Order to Show Cause ("OTSC") why it should not take action against her license and authorization and right to renew. The OTSC alleged that in November of 2017, Respondent collected prescription medications from patients to whom they had been dispensed and distributed those medications to other patients.

Respondent filed an Answer to the OTSC and requested for a hearing. During the pendency of the proceeding, the Respondent and Prosecuting Counsel filed a joint report in which they stipulated to the alleged conduct, and that the conduct violates Board regulations at 244 CMR 4.06, 244 CR 9.03(5), (6)(a)(8), (9), (10), (35), and (37) as well as G.L. c. 112, §§ 61, and that the conduct undermines public confidence in the integrity of the nursing profession.

On August 10, 2020, the Board held a hearing on sanction before Chief Administrative Magistrate Jason Barshak ("the magistrate"). On October 15, 2020, the magistrate issued a *Tentative Decision After Sanction Hearing* ("Tentative Decision"). Neither party filed objections. The Board hereby adopts the Tentative Decision in full as its Final Decision, which

¹ See Governor Baker's Order Extending The Registrations of Certain Licensed Professionals dated March 18, 2020, declaring that licenses in good standing that are set to expire during the state of emergency shall continue to be valid for 90 days following the termination of the state of emergency.

is attached and incorporated herein by reference. The Board makes one clarification to the Tentative Decision: as recited in the Tentative Decision, the stipulations describe the prescription medications involved in the events as "non-scheduled controlled substances." While certain prescription medications may be "non-scheduled" under federal laws and regulations, they are at a minimum Schedule VI controlled substances under G.L. c. 94C, § 3(6).

Rationale for Sanction

Respondent is a Psychiatric Clinical Nurse Specialist (PCNS), which is a type of registered nurse with advanced practice authorization (APRN). At the time of the events of this matter, a PCNS who holds a Massachusetts Controlled Substances Registration (MCSR) was authorized to engage in prescriptive practice subject to requirements for physician supervision and written guidelines². Aside from the supervision related requirements, the prescriptive authority exercised by PCNSs is similar to that of other prescribers. It consists of the authority to issue prescriptions (G.L. c. 94C, § 7(g)), to possess controlled substances as may reasonably be required for the purpose of patient treatment (G.L. c. 94C, § 9(a)), and to administer controlled substances or cause them to be administered by a nurse (G.L. c. 94C, § 9(a)). A PCNS is also authorized to dispense medication to a patient for immediate administration: either a single dose or an amount necessary for treatment until the patient may have a prescription filled by a pharmacy (G.L. c. 94C, § 9(b))³. It does not, however, consist of the authority to collect previously dispensed controlled substances from patients for the purpose to redistributing to other patients. Indeed, the definition of "dispense" is "to deliver a controlled substance to an *ultimate user*" (G.L. c. 94C, § 1, emphasis supplied).

Respondent induced at least three patients⁴ to give to her controlled substances that had been dispensed to those patients. This transfer was unlawful. Respondent then distributed those

² On March 26, 2020, the Commissioner of Public Health issued an emergency order in response to COVID-19 which authorized APRNs with two or more years of supervised practice experience to engage in independent prescriptive practice. Thereafter, on January 1, 2021, the authority of APRNs with two or more years supervised experience to engage in independent practice was set into state law upon enactment of *An Act Promoting a Resilient Health Care System that Puts Patients First*.

³ There is also limited authority to dispense samples that meet specific criteria. (G.L. c. 94C, § 9(b)).

⁴ Patients B and C and at least one other patient whose medications were given to Patient A.

medications to at least two other patients⁵, another unlawful transfer, causing those other patients to be unlawfully in possession of previously dispensed controlled substances. Respondent not only committed unlawful acts, she instructed her patients to participate in the unlawful activity. To the extent that that Board can discern the Respondent's motive from her memorandum on disposition, the purpose of this activity was to provide medication to patients who could not afford costs associated with filling prescriptions at a pharmacy. It was not a single incident, but rather a series of coordinated transactions designed to bypass the normal process of prescribing and dispensing.

In her memorandum on disposition, Respondent lists matters with "similar alleged violations related to patient care⁶." In particular, Respondent points to the *Matter of Ann Gagne*, NUR-2013-0072 (Consent Agreement for Reprimand, effective March 4, 2014) as being directly on point. The respondent in *Gagne*, was a registered nurse working in a VNA setting who removed Coumadin from one patient's inventory, placed it into a bottle labeled with the name and identifying information of a second patient, and provided the bottle with the Coumadin to a third patient. In the Consent Agreement the Board acknowledged that the Respondent had remediated her practice through completion of continuing nursing education courses. This matter involved a single incident and did not involve inducing any of the three patients to actively participate.

Although the fact pattern presented in the present case is not common -- an APRN collecting and storing previously dispensed medications for the purpose of distributing to other patients -- there is one other matter that is more directly on point: *Matter of Theresa Smith*, NUR-2011-0249 (Consent Agreement for Probation, effective January 25, 2013). The respondent in *Smith* was a PCNS who "dispensed patients' unused medication to two patients" and also failed to comply with requirements for supervision of her prescriptive practice.

Turning to the case at hand, the Board does not doubt that Respondent's intention was to help patients who could not afford their medication. However, her chosen course of action indicates either ignorance of the legal constraints on the distribution of controlled substances or a

⁵ Patients A and D; it is unclear from the record if Respondent distributed the controlled substances obtained from Patient B to any other patient.

⁶ Of the cases cited in the Respondent's memorandum on disposition, *Gagne* bears the greatest similarity to the facts in this matter.

Respondent's supervising physician evinces no knowledge of the November 2017 controlled substance handling and distribution issues and no indication that Respondent has made changes to her practice to eliminate those issues from recurring. The latter submission is most unfortunate, as insight by the Respondent's supervising physician into changes by the Respondent following the November 2017 events could have aided the Board in determining that remediation had taken place.

Order

Based on its Final Decision, the Board places Respondent's license to practice as a Registered Nurse and her authorization to engage in the advanced practice of nursing as a Psychiatric Clinical Nurse Specialist in Massachusetts RN/PCNS155505 on **PROBATION** for no less than one (1) year ("Probationary Period").

1. 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. Respond to inquiries from Board staff in a timely manner.
 - e. Disclose the terms of this Agreement to the Program Administrator of any Nursing Education Program at which she is enrolled during the Probationary Period.
 - f. Maintain active employment (Active Practice Requirements) in a position that requires a nursing license and authorization to engage in advanced practice, in a setting where the Licensee receives consistent, on-site supervision by a qualified licensed APRN or physician, for a minimum average of twenty (20) hours per week throughout the Probationary Period.
 - i. The Licensee agrees that a qualified licensed APRN or Physician is defined as a practitioner who 1) possesses a Massachusetts APRN license or physician 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 medicine, or its equivalent,

within the last five years; and 4) has no open complaints with the Board and no open criminal matters.

- g. 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 nursing agencies; or
 - iii. Temporary staffing agencies.
- h. 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 1A), 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 reports⁷, using the "Supervision Report Form" (Form 2A) provided with this Agreement attesting to the quality of the Licensee's nursing practice, reliability and attendance and specifically addressing Licensee's assessment skills and emergency response skills including any errors and incidents. The Board may take action pursuant to paragraph 8 in the event that any quarterly report reveals a practice issue the Board deems significant.
- i. Within 30 days of the Effective Date, notify the Board in writing if the Licensee is not employed in accordance with paragraph 4f.
- j. If not employed in accordance with paragraph 4f within 30 days of the Effective Date:
 - i. On a weekly basis: actively search for nursing employment.
 - ii. On a monthly basis: submit to the Board a detailed description of her nursing job search activities and the status of her nursing employment.

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.

- 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 Licensee'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.
2. The Licensee agrees that Board staff may, pending review by the Board, take immediate action to restrict nursing practice privileges following a report from an out of state employer that the Licensee is under investigation for a practice issue which violates Board regulations at 244 CMR 9.00 *et seq.*
- Immediate action that Board staff may take includes notifying the Licensee and any employer where the Licensee may be engaged in nursing practice, that the Licensee's nursing practice privileges have been restricted by the Board. Board staff shall inform the Licensee of the factual basis for taking immediate action. In the event that the Licensee disputes the factual basis, the Licensee agrees to refrain from the practice of nursing pursuant to her Massachusetts license until such time as the Board either determines that there is no violation, or takes action pursuant to paragraph 4.
3. If the Respondent has complied to the Board's satisfaction with all the requirements contained in this Order, the Probationary Period will terminate one (1) year after the Effective Date upon written notice to the Respondent from the Board⁹.
4. If the Respondent does not comply with each requirement of this Order, or if the Board opens a Subsequent Complaint¹⁰ during the Probationary Period, the Respondent agrees to the following:
- a. The Board may upon written notice to the Respondent, as warranted to protect the public health, safety, or welfare:
 - i. EXTEND the Probationary Period; and/or
 - ii. MODIFY the Order requirements; and/or

⁸ The Probationary Period is defined as one (1) year.

⁹ In all instances where this Order specifies written notice to the Respondent from the Board, such notice shall be sent to the Respondent's address of record.

¹⁰ The term "Subsequent Complaint" applies to a complaint opened after the Effective Date, which (1) alleges that the Respondent engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Respondent shall have an opportunity to respond.

- iii. **IMMEDIATELY SUSPEND** the Respondent's nursing license/APRN authorization.
 - b. If the Board suspends the Respondent's nursing license/APRN authorization pursuant to Paragraph 4(a)(iii), the suspension shall remain in effect until:
 - i. the Board gives the Respondent written notice that the Probationary Period is to be resumed and under what terms; or
 - ii. the Board and the Respondent sign a subsequent agreement; or
 - 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.
- 5. If the Board suspends her nursing license/APRN authorization in accordance with Paragraph 4, she will immediately return her current Massachusetts license to practice as a Registered Nurse to the Board, by hand or certified mail. Further, 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 license¹¹.

The Board voted to adopt the within Final Decision at its meeting held on April 14, 2021, by the following vote:

In Favor: A. Alley, RN; K.A. Barnes, JD, RPh; K. Crowley, DNP;
D. Drew, MBA; J. Kaneb, MBA; L. Kelly, DNP; L. Keough, CNP;
C. LaBelle, RN; D. Nikitas, RN; E. Pusey-Reid, DNP; L. Wu, RN

Opposed: None

Abstained: None

Recused: None

Absent: None

The Board voted to adopt the within Final Order at its meeting held on April 14, 2021, by the following vote:

In Favor: A. Alley, RN; K.A. Barnes, JD, RPh; K. Crowley, DNP;
D. Drew, MBA; J. Kaneb, MBA; L. Kelly, DNP; L. Keough, CNP;
C. LaBelle, RN; D. Nikitas, RN; E. Pusey-Reid, DNP; L. Wu, RN

Opposed: None

Abstained: None

Recused: None

Absent: None

¹¹ Any evidence of unlicensed practice or misrepresentation as a Registered Nurse after the Board has notified the Respondent 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.

EFFECTIVE DATE OF ORDER

This Final Decision and Order becomes effective upon the tenth (10th) day from the date it is issued (see "Date Issued" below).

RIGHT TO APPEAL

Respondent is hereby notified of the right to appeal this Final Decision and Order to a superior court with jurisdiction pursuant to M.G.L. c. 30A §§ 14. Respondent must file any appeal within thirty (30) days of receipt of this notice of Final Decision and Order.

Board of Registration in Nursing,



Lorena M. Silva-Herman, MSN-L, MBA, DNP, RN
Executive Director
Board of Registration in Nursing

Date Issued: April 14, 2021

Notified:

VIA FIRST CLASS & CERTIFIED MAIL NO. 7020 1810 0002 3137 9479,
RETURN RECEIPT REQUESTED

Linda Meehan
346 Beacon Street, Apt. 10
Boston, MA 02116

VIA INTEROFFICE MAIL

Jaclyn Gagne, Esq.,
Prosecuting Counsel
Department of Public Health
Bureau of Health Professions Licensure
239 Causeway Street
Boston, MA 02114

Jason B. Barshak, Esq.
Chief Administrative Magistrate
Department of Public Health
Office of General Counsel
250 Washington Street, 2nd Floor
Boston, MA 02108