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Executive Office of Health and Human Services
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May 19, 2025

Via First Class and Certified Mail No. : 9589 0710 5270 1211 6835 77

Return Receipt Requested

Simon B. Mann, Esq.
Mann Law Firm, P.C.
200 Highland Street, Suite 302
Needham, MA 02494

Re: In the Matter of Mayra E. Santana
Docket Nos. NUR-2018-0258
License No. RN229693

Dear Attorney Mann:

Enclosed please find the Final Decision and Order after Full Adjudicatory Hearing issued by the Board of Registration in Nursing on May 19, 2025 and **effective May 29, 2025**. This constitutes full and final disposition of the above-referenced Complaints, as well as the final agency action of the Board. Your client's appeal rights are noted on page 9.

You may contact Meghan Bresnahan, Board Counsel at Meghan.bresnahan@mass.gov with any questions that you may have concerning this matter.

Sincerely,

Patricia McNamara on behalf of:

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

Encl.

cc: Karen Gray Carruthers, Esq., Administrative Magistrate
Patricia Blackburn, Esq., Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
NURSING

In the Matter of
Mayra Santana
License No. RN229693
License Expires 06/15/2026

Docket No. NUR-2018-0258

FINAL DECISION AND ORDER AFTER FULL ADJUDICATORY HEARING

Procedural History

On May 19, 2020, the Board of Registration in Nursing ("Board") issued and duly served on Mayra Santana ("Respondent"), a Registered Nurse ("RN"), an Order to Show Cause ("OTSC") on why it should not take action against her license and right to renew. The OTSC alleged that Respondent, between July 23, 2018, and September 20, 2018, reported late on shifts, left patient visits she was observing and exhibited behaviors consistent with practicing nursing while impaired. Thereafter, Respondent filed an Answer and request for a hearing.

On September 20-21, 2021, the Board held a full adjudicatory hearing ("Hearing") before Administrative Magistrate Karen Gray Carruthers ("AM Gray Carruthers"). On March 2, 2022, both Prosecuting Counsel and Respondent's Counsel filed a *Post-Hearing Brief*. Closing Arguments occurred on March 16, 2022. On December 18, 2024, AM Gray Carruthers issued a *Tentative Decision After Full Adjudicatory Hearing* ("Tentative Decision").

The Board has reviewed and carefully considered the Tentative Decision. The Board adopts the Tentative Decision in full, including all findings of fact, credibility determinations, conclusions of law and discussion contained therein, as the Board's Final Decision. The Tentative Decision is attached and incorporated herein by reference.

Discussion/Rational for Sanction

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).

As outlined in the Tentative Decision, while employed and on duty as an RN at the Obstetrics and Gynecology Department at East Boston Neighborhood Health Center ("Neighborhood Health") in East Boston, Massachusetts, Respondent was tardy on five occasions and was not able to practice nursing with reasonable judgment, skill and safety on September 19, 2018. It was determined that this conduct is not in accordance with 244 CMR 9.03(5), (36) and (47) and therefore subjects Respondent to discipline under Massachusetts General Laws ("M.G.L.") c. 112, § 61. See Giroux v. Board of Dental Examiners, 322 Mass. 251, 252 (1958). The Board's discussion and order are limited to the findings proven at hearing.

The Board acknowledges that it has historically imposed suspensions in matters involving impaired nursing practice by reason of alcohol or drug use. However, in this case, the totality of the evidence supports a disciplinary outcome short of suspension. While the Board finds that the Respondent was unable to practice nursing with reasonable judgment, skill, and safety on September 19, 2018, the evidence does not conclusively establish that the Respondent was impaired by alcohol. Although two colleagues reported detecting an odor of alcohol, a physician who interacted with Respondent shortly thereafter did not observe any such odor, and no toxicology screening was conducted at the time. Respondent consistently maintained that her condition was due to the use of over-the-counter allergy medications, including Benadryl, Robitussin, and Dayquil. In light of these factors, the Board finds insufficient basis to impose a suspension.

The Board further considered that Respondent was late for her shifts on five occasions during a brief period while working at Neighborhood Health. The Board recognizes that repeated tardiness is conduct not in accordance with accepted nursing standards. While serious, this conduct does not, on its own, rise to a level warranting license suspension. Further, there appears to have been no similar concerns regarding timeliness in her current employment.

Additionally, the Board notes that the conduct at issue occurred nearly seven (7) years ago and appears to have been an isolated incident. Since that time, there have been no subsequent complaints or concerns regarding Respondent's practice. This absence of further disciplinary or performance issues weighs in favor of a rehabilitative rather than punitive sanction.

The Board has also considered mitigating factors presented solely as to disposition. Respondent has been a registered nurse for over 30 years with no prior history of discipline. She previously served for 17 years at Massachusetts General Hospital's Chelsea Health Center, where she earned numerous awards and recognition for excellence in nursing and service to underserved communities. Multiple colleagues testified to Respondent's skill, professionalism, and integrity. In particular, colleagues described Respondent as calm in chaotic situations, compassionate, and dedicated to her patients and peers. These accounts are consistent with a long-standing pattern of ethical and competent practice.

Respondent credibly testified that, during the period in question, she was experiencing

[REDACTED] The Board does not condone impaired practice under any circumstances, but notes that Respondent was [REDACTED] [REDACTED] and has since removed herself from the circumstances that contributed to the incident. Her therapist testified that he never observed any evidence of substance abuse with Respondent. Furthermore, in her current position, Respondent has had no issues with timeliness, workplace conduct, or professional responsibilities.

In light of all of the above, the Board finds that placing Respondent on probation for a period of one (1) year, with conditions including toxicology screening and supervision of her nursing practice, is a sufficient and appropriate measure to ensure public protection. This disposition will allow the Board to monitor for any potential recurrence while acknowledging the isolated nature of the incident, Respondent's longstanding career in the nursing profession, her efforts at personal and professional rehabilitation, and her subsequent history of safe and effective nursing practice.

The Board voted to adopt the within **Final Decision** at its meeting held on May 14, 2025, by the following vote:

In favor: *A. Alley, MSN, RN, L. Kelly, DNP, RN, CNP, S. Abshir, LPN, K. Crowley, DNP, RN, A. Joseph, MD, D. Nikitas, BSN, RN, R. Reynolds, PhD, MSN, RN, K. Sanclemente, BSN, RN, R. Sesay, ASN, RN, H. Underwood, LPN*

Opposed: *None*

Abstained: None

Recused: None

Absent: K.A. Barnes, JD, RPh, L. Keough, PhD, RN, CNP, K. Pelletier, ASN, RN

ORDER

1. Based on its Final Decision, the Board orders that Respondent's license to practice as a Registered Nurse in Massachusetts, License No. RN229693 be placed on **PROBATION** for no less than **one (1) year** with monitored practice and random toxicology screening commencing on the Effective Date of this Order ("Effective Date").
2. During the Probationary Period, the Respondent 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.
 - b. Notify the Board in writing within ten (10) days of each change in their name and/or address.
 - c. Timely renew their license to practice nursing.
 - d. Respond to inquiries from Board staff in a timely manner.
 - e. Disclose the terms of this Order to the Program Administrator of any Nursing Education Program at which they are enrolled during the Probationary Period.
 - f. Maintain active employment (Active Practice Requirements) in a position that requires a nursing license, in a facility 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.
 - i. A qualified licensed nurse is defined as a nurse who 1) possesses a Massachusetts² 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.

¹ 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.

² Or a license to practice in the jurisdiction in which the Respondent is employed.

- 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 nurse agencies; or
 - iii. Temporary staffing agencies.
- h. Review this Order with each of their 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 reports³, 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 ability to practice nursing in a safe and competent manner. The Board may take action in the event that any quarterly report reveals a practice issue the Board deems significant.
- i. Within thirty (30) days of the Effective Date, notify the Board in writing if the Respondent is not employed in accordance with paragraph 2f.
- j. If not employed in accordance with paragraph 2f within thirty (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 their nursing job search activities and the status of their nursing employment.

³ The Respondent 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 Period⁴.
- 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 their nursing license in any jurisdiction in which they hold such a license.
- n. During the Probationary Period, demonstrate either absence of, or successful, sustained recovery from, substance abuse, by:
 - i. Abstaining from the use of alcohol and all substances of abuse or substances with potential for abuse.
 - ii. Complying with random observed toxicology screening, including but not limited to testing of urine, blood or hair as determined necessary by Board staff, for a *minimum* of fifteen (15) tests. Compliance requires that the Respondent enroll⁵ with and maintain a current account with the Board's Drug Testing Management Company (DTMC) identified in **Attachment A** of this Order, and that the Respondent meet the conditions and procedures outlined in **Attachment A**, including but not limited to:
 - a. Calling the DTMC daily, during hours set by the DTMC to determine whether the Respondent has been selected to test on that day;
 - b. When selected to test, appearing at a lab identified by the DTMC as appropriate for collecting observed toxicology samples for the type of test that has been scheduled, during the hours of collection, and provide a sample; and
 - c. Agreeing that the DTMC shall provide the results of random toxicology screening to the Board.

The Respondent agrees that positive toxicology screening results that are not supported by a valid prescription provided to Board staff prior to the toxicology test date are a violation of this Order.

- iii. Identifying all treatment providers, including primary care physicians, prescribers, therapist(s) and counselor(s), as of the Effective Date and

⁴ The Probationary Period is defined in paragraph 1.

⁵ The Respondent must enroll with the DTMC within seven (7) days of the Effective Date.

reporting any change of existing treatment providers or addition of new treatment or new treatment providers within ten (10) days. After the Effective Date and upon request thereafter, providing an Authorization for Release of Information for each current treatment provider. Providing documentation from each treatment provider in which the provider verifies that they are aware of Respondent's Probation status.

- iv. Providing authorization, upon request, for Board staff to obtain the Respondent's Prescription Monitoring Program (PMP) report. Identifying all pharmacies where the Respondent has filled prescriptions within the last year and reporting any new pharmacies where the Respondent fills prescriptions during Probation. After the Effective Date and upon request thereafter, providing an Authorization for Release of Information for each pharmacy.

3. Board staff may, pending review by the Board, take immediate action to restrict nursing practice privileges following:

- a. A self-report of unauthorized substance use by the Respondent;
- b. A positive toxicology screening result that is not supported by a current and valid prescription provided to Board staff prior to the toxicology test date;
- c. A third party report that the Respondent has engaged in unauthorized substance use or has been impaired, provided that such report is supported by statement or documentation by a person to whom the Respondent has admitted such use or impairment or a person who has observed such use or impairment;
- d. A report from an out of state employer that the Respondent 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 Respondent and any employer where the Respondent may be engaged in nursing practice, that the Respondent's nursing practice privileges have been restricted by the Board. Board staff shall inform the Respondent of the factual basis for taking immediate action. In the event that the Respondent disputes the factual basis, the Respondent agrees to refrain from the practice of nursing pursuant to their Massachusetts license until such time as the Board either determines that there is no violation, or takes action pursuant to paragraph 5.

4. If 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.

5. If the Respondent does not comply with each requirement of this Order, or if the Board opens a Subsequent Complaint⁶ 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 Probation Order requirements; and/or
 - iii. IMMEDIATELY SUSPEND the Respondent's nursing license.
 - b. If the Board suspends the Respondent's nursing license pursuant to paragraph 5(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 Order, and/ or (2) contained in the Subsequent Complaint.
6. If the Board suspends Respondent's nursing license in accordance with paragraph 5(a)(iii), Respondent will no longer be authorized to engage in the practice of nursing in the Commonwealth of Massachusetts and shall not in any way represent themselves as a Registered Nurse until such time as the Board reinstates their nursing license or right to renew such license⁷.

The Board voted to adopt the within **Final Order** at its meeting held on May 14, 2025, by the following vote:

⁶ 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.

⁷ Any evidence of unlicensed practice or misrepresentation as a Registered Nurse after the Board has notified the Respondent of their 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.

In favor: A. Alley, MSN, RN, L. Kelly, DNP, RN, CNP, S. Abshir, LPN, K. Crowley, DNP, RN, A. Joseph, MD, D. Nikitas, BSN, RN, R. Reynolds, PhD, MSN, RN, K. Sanclemente, BSN, RN, R. Sesay, ASN, RN, H. Underwood, LPN

Opposed: None

Abstained: None

Recused: None

Absent: K.A. Barnes, JD, RPh, L. Keough, PhD, RN, CNP, K. Pelletier, ASN, RN

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 the Superior Court for Suffolk County or the county where Respondent resides pursuant to M.G.L. c. 30A, § 14, within thirty (30) days of receipt of notice of this Final Decision and Order.

Board of Registration in Nursing,

Patricia McNamara on behalf of:
Heather Cambra, BSN, RN, JD
Executive Director
Board of Registration in Nursing

Date Issued: May 19, 2025

Notified:

FIRST CLASS AND CERTIFIED MAIL NO. : 9589 0710 5270 1211 6835 77
RETURN RECEIPT REQUESTED AND VIA EMAIL

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