



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

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Governor

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Commissioner

Tel: 617-624-6000  
[www.mass.gov/dph](http://www.mass.gov/dph)

January 21, 2025

Via First Class and Certified Mail No.: **9589 0710 5270 0961 7618 32**

**Return Receipt Requested**

Daniel K. Gelb, Esq.  
Gelb & Gelb LLP  
900 Cummings Center, Suite 207-V Beverly, MA 01915

**RE: In the Matter of Nicole L. Alix**  
**Docket No. NUR-2020-0006**  
**License No. RN2269620 (active)**

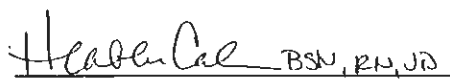
Dear Attorney Gelb:

Enclosed, please find the *Ruling on Objections to Tentative Decision After Full Adjudicatory Hearing* ("Ruling") and *Final Decision and Order on Tentative Decision After Full Adjudicatory Hearing* ("Order") issued by the Board of Registration in Nursing on January 21, 2025 and **effective January 31, 2025**. This constitutes full and final disposition of the above-referenced Complaint, as well as the final agency actions of the Board. Should Ms. Alix wish to appeal the enclosed decision, her appeal rights are noted within the Order.

Please note that as of the effective date, Ms. Alix's license statuses will change to **Probation**. Per the terms of the Order, Ms. Alix's license will remain on probation for a period of **one (1) year**. Following a satisfactory probation, as deemed by the Board, Ms. Alix may petition for reinstatement.

You may contact Rebecca Barros, Board Counsel at [rebecca.barros@mass.gov](mailto:rebecca.barros@mass.gov) with any legal questions that you may have concerning this matter. For any specific questions related to probation, please contact Kim Jones, Probation Compliance Officer, at [kimberly.r.jones@mass.gov](mailto:kimberly.r.jones@mass.gov).

Sincerely,

  
Heather Cambra, BSN, RN, JD  
Executive Director

Board of Registration in Nursing

Enclosures

Cc (*via email only*): Beverly A. Kogut., Esq., Administrative Magistrate  
Candace Hodge, Chief Prosecuting Counsel  
Kim Jones, Probation Compliance Officer

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN NURSING

\_\_\_\_\_  
Board of Registration in Nursing, )  
Petitioner )  
 )  
v. )  
 )  
**Nicole Alix** )  
License No. RN2269620 )  
License expires 8/26/2026 )  
Respondent )  
\_\_\_\_\_ )

Docket No. NUR-2020-0006

**FINAL DECISION AND ORDER**  
**AFTER FULL ADJUDICATORY HEARING**

Pursuant to the above-referenced matter, the Board of Registration in Nursing (the “Board”) submits this herein Final Decision and Order after Full Adjudicatory Hearing. In connection with the Final Decision and Order, the Board reasserts the following procedural history. On or about May 7, 2021, the Board issued an *Order to Show Cause* (“OTSC”). The Respondent submitted her *Answer to OTSC* and *Request for Evidentiary Hearing* on June 10, 2021. The parties submitted signed *Stipulations* on July 27, 2021. A Full Adjudicatory Hearing proceeded on February 14, 2022. Prosecuting Counsel, Respondent’s Counsel, and Respondent were present.

On September 10, 2024, Administrative Magistrate Beverly Kogut issued a *Tentative Decision After Full Adjudicatory Hearing* (“Tentative Decision”), summarizing the allegations at issue, the positions of the Petitioner and the Respondent, and identifying Findings of Fact, warranting discipline. The recommendation for discipline relates to violations of 244 CMR 9.03(5), (7), (9), (26), (35), (37), (47), and for engaging in conduct which undermines the public’s confidence in the profession’s integrity and generally calling the Respondent’s

competence to practice in the nursing profession in question, authorizing discipline under M.G.L. ch. 112, § 61. On July 12, 2022, the parties submitted Post-Hearing Memorandums restating their positions.

The stipulated facts which gave rise to the complaint are the following: At the time of the incident on the late evening of October 25, 2019 and early morning of October 26, 2019, the Respondent was employed and on duty as a Registered Nurse at Gosnold at Cataumet in Borne, MA, a residential rehabilitation facility focused on substance abuse treatment. During this time frame, Respondent was told by another nurse that Gabapentin and Seroquel had been falsely ordered under a patient's name, which was actually meant for that nurse. Under the direction of the other nurse, Respondent accepted a STAT delivery of this medication which had been falsely identified for a patient. Respondent failed to place the accepted medications in an assigned medication storage area, and instead left them in a cupboard or cabinet at the request of the other nurse. The Respondent later reported this incident to administrators at the facility.

The complaint also alleged that on November 13, 2019, Respondent was observed on videotape counting medications. During the course of this conduct, Respondent allegedly diverted two (2) Gabapentin pills. Respondent was terminated from the practice thereafter.

As to the claim for diversion at the direction of another, the Administrative Magistrate determined that there was sufficient evidence to support that Respondent's conduct fell below the accepted standards of nursing practice. Specifically, by Respondent's own admission, she knowingly aided and abetted in diverting controlled substances for another nurse's personal use. Furthermore, by Respondent's own admission, she knowingly failed to maintain the security of the controlled substances as she did not secure the

medication in a locked storage unit, per standard facility policy. Through these acts, Respondent violated several nursing violations which safeguard against theft and diversion of medications, ensure that nurses are responsible and accountable for their own nursing judges, and generally, protect the health, safety, and welfare of the public. *See* 244 CMR 9.03(5), (7), (9), (35), and (47).

Respondent's testimony supported that she directly observed the diversion of controlled substance medication by the other nurse, and having observed this conduct, she was required to report this activity "promptly" to the Board. As Respondent did not report this conduct for approximately three (3) months post-incident, Respondent also violated 244 CMR 9.03(26).

As to claims that Respondent diverted medication in November of 2019, the Board notes that there was no videotape submitted into evidence at the hearing and the Administrative Magistrate deemed this action to not have been proved. The Board defers to the Administrative Magistrate's findings as to this allegation.

The Board identifies several mitigating factors. The Board recognizes that the incident occurred over five (5) years ago. Since that time, Respondent has not had another complaint filed against her nursing license. The Respondent admitted to her wrongdoing and was determined by the Administrative Magistrate to have reported the incident to her superiors on a timely basis. The Board acknowledges Respondent's claims that she was unaware she could have refused to accept the medication upon delivery. The Board also recognizes that Respondent was a fairly new employee at the practice facility and had been licensed only for one year, and as such, she may have felt subject to pressure by a more experienced nurse. However, the Board cannot condone the wrongful conduct and does not give significant weight to Respondent's claims,

substantiating the need for disciplinary action.

The Board has carefully considered the Tentative Decision and hereby adopts the Tentative Decision, including all findings of fact and conclusions of law. The Tentative Decision is attached hereto and incorporated herein by reference.

Based on the findings by the Administrative Magistrate, the Board has determined that the evidence warrants a **one (1) year probationary period**. As basis for this finding, the Board is charged with protecting the public health, safety, and welfare. *See Kvitka v. Board of Registration in Medicine*, 407 Mass. 140, 143 (1990), *citing Levy v. Board of Registration & Discipline in Medicine*, 378 Mass. 519, 524 (1979). 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*, 407 Mass. at 143; *see also Raymond v. Board of Registration in Medicine*, 387 Mass. 708, 713 (1982).

The evidence supports that Respondent admitted to accepting the delivery of medications which she had known for was another nurse's personal use and which Respondent knew was furtively ordered under the name of patient when no order had been placed by a physician. The evidence further supports that Respondent placed this medication in a cabinet, instead of a locked medication storage unit as required, for the other nurse to retrieve the medication at her leisure. Based on Respondent's conduct, the other nurse successfully diverted medication. Similarly, the evidence supports that Respondent did not report her actions or the other nurse's conduct to the Board on a timely basis. Respondent did not notify the Board until she submitted a letter identifying the conduct on January 22, 2020, approximately three (3) months after the incident.

For the reasons stated above, the Board finds that Respondent's actions constitute conduct which deviated from acceptable, standard nursing practice, having an adverse effect on the health, safety, or welfare of the public pursuant to 244 CMR 9.03(5), (7), (9), (26), (35), (37), (47). The Board believes that the **one (1) year probationary period** will help to re-educate Respondent on acceptable nursing practices by providing necessary practice monitoring in the workplace.

The Board voted to adopt the within **Final Decision** at its meeting held on January 8, 2025, by the following vote:

*In favor:*        *A. Alley, K.A. Barnes, K. Crowley, A. Joseph, L. Kelly, L. Keough, D. Nikitas, R. Reynolds, R. Sesay, and H. Underwood*

*Opposed:*        *None*

*Abstained:*     *None*

*Recused:*        *None*

*Absent:*          *J. Monagle*

## **ORDER**

Based on its Final Decision, the Board imposes a **ONE (1) YEAR PROBATIONARY PERIOD** on Respondent's nursing license, RN2308107. The Board acknowledges and adopts the Administrative Magistrate's findings that Respondent admitted to assisting the diversion of controlled substances by another nurse, failed to secure the controlled substances, and failed to report her conduct to the Board on a timely basis. The Board believes this sanction will sufficiently serve to notify the public and future employers of Respondent's practice breakdown related to the events on October 25-26, 2019. The sanction will also assist the Respondent's nursing practice and prevent similar, future conduct through monitored practice.

The One (1) Year Probationary Period is subject to the following agreement:

1. The Board may choose to reinstate the Licensee's license if the Board determines that reinstatement is in the best interests of the public at large. Any reinstatement of the Licensee's license may be conditioned upon the Licensee entering into a consent agreement for the **PROBATION** of their license for at least **one (1) year** ("**Probationary Period**") including other requirements that the Board determines at the time of re-licensure to be reasonably necessary in the best interests of the public health, safety and welfare.
2. During the Probationary Period, the Licensee further agrees that they 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 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 Agreement 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 nurse<sup>1</sup> for a minimum average of twenty (20) hours per week throughout the Probationary Period.
  - a. The Licensee agrees that a qualified licensed nurse is defined as a nurse who 1) possesses a Massachusetts<sup>2</sup> 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 of full-time experience in nursing, or its equivalent, within the last five years; 4) is educationally prepared at or above the level of the Licensee; and 5) 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:
  - a. Settings where structured, consistent on-site supervision is not in place including but not limited to, home care agencies or private home care;
  - b. Travel nurse agencies; or
  - c. Temporary staffing agencies.
- h. Review this Agreement 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 Agreement, within thirty (30) days of
    - (1) the Effective Date *and*
    - (2) any subsequent employment commenced during the Probationary Period
  - ii. *quarterly* written reports<sup>3</sup>, using the “Supervision Report Form” (Form 2) provided with this Agreement attesting to the quality of the Licensee’s nursing practice,

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<sup>1</sup> 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.

<sup>2</sup> Or a license to practice in the jurisdiction in which the Licensee is employed.

<sup>3</sup> 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.

reliability and attendance and specifically addressing Licensee's administration of medication and documentation, including any errors and incidents. The Board may take action pursuant to paragraph 9 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 2(f).
  - j. If not employed in accordance with paragraph 2(f) within 30 days of the Effective Date:
    - a. On a weekly basis: actively search for nursing employment.
    - b. On a monthly basis: submit to the Board a detailed description of their nursing job search activities and the status of their nursing employment.
  - k. Complete the Active Practice Requirements within a period up to a maximum of double the length of the Probationary Period.<sup>4</sup>
  - 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 their nursing license in any jurisdiction in which they hold such a license.
3. If the Licensee does not comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint<sup>5</sup> during the Probationary Period:
- 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 requirements; and/or
    - iii. **IMMEDIATELY SUSPEND** the Licensee's nursing license.

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<sup>4</sup> The Probationary Period is defined in Paragraph 1.

<sup>5</sup> 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.

- b. If the Board suspends the Licensee's nursing license pursuant to Paragraph 3(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
  - 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.

The Board voted to adopt the within **Final Order** at its meeting held on January 8, 2025, by the following vote:

*In favor:*      *A. Alley, K.A. Barnes, K. Crowley, A. Joseph, L. Kelly, L. Keough, D. Nikitas, R. Reynolds, R. Sesay, and H. Underwood*

*Opposed:*      *None*

*Abstained:*      *None*

*Recused:*      *None*

*Absent:*      *J. Monagle*

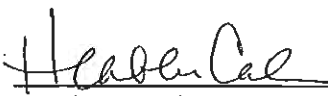
#### **EFFECTIVE DATE OF ORDER**

This Final Decision and Order becomes effective upon the tenth (10<sup>th</sup>) 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 to the Supreme Judicial Court pursuant to M.G.L. c. 112, § 64. Respondent must file any appeal within thirty (30) days of receipt of this notice of Final Decision and Order.

Board of Registration in Nursing,

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

Date Issued: January 21 , 2025

Notified:

**By first-class and certified mail no.: 9589 0710 5270 0961 7618 32**

**Return receipt requested:**

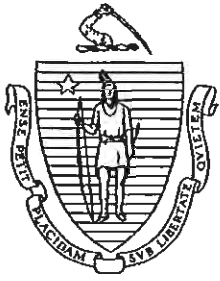
Daniel K. Gelb, Esq.  
Gelb & Gelb LLP  
900 Cummings Center, Suite 207-V  
Beverly, MA 01915

**By inter-office mail and electronic mail**

Candace Hodge, Chief Prosecuting Counsel  
Noah Ertel, Esq., Prosecuting Counsel  
Department of Public Health  
Office of General Counsel  
250 Washington Street, 2nd Floor  
Boston, MA 02108

**By inter-office mail and electronic mail**

Beverly Kogut, Esq.  
Administrative Magistrate  
Department of Public Health  
Office of the General Counsel  
250 Washington Street  
Boston, MA 02108



Commonwealth of Massachusetts  
Department of Public Health  
Bureau of Health Professions Licensure  
**Board of Registration in Nursing**  
250 Washington Street • Boston, Massachusetts 02108  
**SUPERVISOR VERIFICATION, AND AGREEMENT TO  
MONITOR PRACTICE AND PROVIDE PERIODIC REPORTS  
TO THE BOARD OF REGISTRATION IN NURSING**

Name of Nurse on Probation \_\_\_\_\_  
License Type and No. \_\_\_\_\_ Docket No(s). \_\_\_\_\_  
Effective Date of the Probation Agreement or Order: \_\_\_\_\_  
Length of Probation (specified in Agreement or Order): \_\_\_\_\_  
Nurse's Date of Employment: \_\_\_\_\_ Nurse's Job Title: \_\_\_\_\_  
Employer Name and Address: \_\_\_\_\_

I, \_\_\_\_\_ (print supervisor's full name) on \_\_\_\_\_ (insert date) reviewed a signed copy of the Probation Agreement (Agreement) or Order between \_\_\_\_\_ (insert nurse's name) and the Board of Registration in Nursing (Board). I hereby agree that I will monitor and evaluate this nurse's practice as specified in the Agreement or Order, and will provide written reports to the Board on the Supervision Report form provided by the Board at the intervals required by the Agreement or Order.

I also agree to promptly notify the Board's Probation Compliance Officer if the nurse resigns or is terminated from employment.

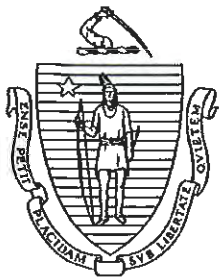
I further certify that I am a RN / LPN (circle one), have completed at least one (1) year of clinical nursing practice, and that I do not have any open administrative or criminal complaint by any Board of Nursing.

SUPERVISOR'S SIGNATURE \_\_\_\_\_ Date: \_\_\_\_\_

(Print/Type: Name and Title of Supervisor completing this form)

Supervisor's License Type and No.: \_\_\_\_\_ Supervisor Phone No.: \_\_\_\_\_

**PLEASE NOTE CAREFULLY:** This completed form must be mailed *with* the supervisor's signed cover letter written on the facility's letterhead directly to: Probation Compliance Officer  
DPH – BHPL, Board of Registration in Nursing  
250 Washington Street, 3<sup>rd</sup> Floor, Boston, MA 02108



Commonwealth of Massachusetts  
 Department of Public Health  
 Bureau of Health Professions Licensure  
**Board of Registration in Nursing**  
 250 Washington Street • Boston, Massachusetts 02108  
**SUPERVISION REPORT FOR NURSES ON PROBATION**  
**WITH THE BOARD OF REGISTRATION IN NURSING**

(Please review the nurse's Probation Agreement or Order and complete this evaluation of the nurse's practice)

Nurse's Name: \_\_\_\_\_ Docket No.: \_\_\_\_\_

License Type and No.: \_\_\_\_\_ Expiration Date \_\_\_\_\_

Nurse's Job Title: \_\_\_\_\_

Employer Name and Address: \_\_\_\_\_

Time period covered by this supervision report: Start Date: \_\_\_\_\_ to End Date: \_\_\_\_\_

Rate the following and explain any "Does Not Meet" ratings (use the "Comments" column and if needed the back of this form or include on supervisor's signed cover letter on facility letterhead).

| Quality being rated                                                                      | Does Not Meet            | Meets                    | Comments |
|------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------|
| Organizes and plans work effectively                                                     | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Completes assignments                                                                    | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Works as a team member                                                                   | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Communicates effectively                                                                 | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Seeks guidance and supervision appropriately                                             | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Interacts with patients in a therapeutic manner                                          | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Demonstrates problem solving ability                                                     | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Manages stressful situations appropriately                                               | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Makes timely and appropriate nursing assessments                                         | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Makes appropriate nursing interventions                                                  | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Delegates nursing care activities appropriately                                          | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Removes, handles, wastes, and accounts for the whereabouts of, medications appropriately | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Documents controlled substances and medication administrations accurately and completely | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Documents nursing care and interventions accurately and completely                       | <input type="checkbox"/> | <input type="checkbox"/> |          |
| Other practice skill(s) specified by Probation Agreement or Order                        | <input type="checkbox"/> | <input type="checkbox"/> |          |

**SUPERVISION REPORT FOR NURSES ON PROBATION WITH THE BOARD OF  
REGISTRATION IN NURSING (continued)**

The nurse HAS ☐ HAS NOT ☐ (please choose one and do not leave any blanks) worked an average of at least twenty (20) hours per week during the time period covered by this report.

**SUPERVISION**

How frequently is the nurse supervised? \_\_\_\_\_

How is supervision provided? \_\_\_\_\_

Have there been any incidents involving the nurse requiring counseling, conference, oral/written warnings since last report? If yes, please explain and attach copies of all relevant documents.

\_\_\_\_\_

\_\_\_\_\_

How often are the nurse's patient records reviewed? \_\_\_\_\_

Does this nurse have any other nursing practice issues? Explain. \_\_\_\_\_

\_\_\_\_\_

**ADDITIONAL COMMENTS are appreciated**

(If needed, please use the back of this form or include on supervisor's signed cover letter on facility letterhead)

\*\*\*\*\*

Please call the Probation Compliance Officer at (617) 973-0863 to discuss any concerns or for clarification regarding the nurse's probation.

SUPERVISOR'S SIGNATURE: \_\_\_\_\_ DATE SIGNED \_\_\_\_\_

\_\_\_\_\_  
(Print/Type: Name and Title of Supervisor completing this form)

Supervisor's License Type and No.: \_\_\_\_\_ Supervisor Phone No.: \_\_\_\_\_

**PLEASE NOTE CAREFULLY:**

This fully completed form must be mailed *with* the supervisor's signed cover letter written on the facility's letterhead directly to: Probation Compliance Officer  
DPH – DBPL, Board of Registration in Nursing  
250 Washington Street, 3rd Floor  
Boston, MA 02108