

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
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

KATHLEEN E. WALSH
Secretary

ROBERT GOLDSTEIN, MD, PhD
Commissioner

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

September 14, 2023

Via First Class and Certified Mail No. 7022 3330 0001 0813 3921,

Via Electronic Mail to: kmorey@moreylg.com

Return Receipt Requested;

Kerri Morey, Esq.
Morey Law Group, PC
859 Willard Street, Suite 400
Quincy, MA 02169
617-999-4411

Re: In the Matter of Uche Obu
License No. RN2269345/LN68773 (Exp.)
Docket No. NUR-2020-0065

Dear Attorney Morey:

Enclosed please find the Final Decision and Order after Sanction Hearing issued by the Board of Registration in Nursing on September 13, 2023 and **effective September 23, 2023**. This constitutes full and final disposition of the above-referenced Complaint, as well as the final agency action of the Board. Your client's appeal rights are noted on page 3.

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

Sincerely,

Heather Cambra on behalf of

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

Encl.

cc: Stephen Pleva, Esq., Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

_____)
Board of Registration in Nursing,)
Petitioner)
)
v.)
)
UCHE OBU)
License No. RN2269345)
License Expires 06/03/2024)
License No. LN68773 (Exp.))
License Expired 06/03/2011)
Respondent)
_____)

Docket No. NUR-2020-0065

FINAL DECISION AND ORDER AFTER HEARING

On August 18, 2021, the Board of Registration in Nursing (“the Board”) issued an *Order to Show Cause* (“OTSC”) in the above-referenced matter. On February 23, 2022, the parties filed a Joint Status Report Requesting Sanction Hearing and Stipulations. A sanction hearing was held on April 6, 2023, where Prosecuting Counsel, Respondent’s Counsel, and Respondent were all present.

On April 12, 2023, the Magistrate issued a *Tentative Decision After Sanction Hearing* (“*Tentative Decision*”). The Board has carefully considered the tentative decision and hereby adopts the *Tentative Decision*, including all findings of fact, conclusions of law and credibility determinations. The *Tentative Decision* is attached hereto and incorporated herein by reference.

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). It is undisputed that Respondent admits to forging signatures of multiple home health aides on their respective annual Aide Evaluations Forms to get the evaluations in on time. The Board recognizes that the Respondent's actions constitute unprofessional conduct and conduct which undermines public confidence in the integrity of the profession. However, when approached by his employer about the signatures, Respondent immediately acknowledged his actions, expressed remorse, and took responsibility. Notably, the underlying conduct of the Complaint applies to Respondent's supervisory role (which included supervision of over 100 CNAs and home health aides) and did not involve harm to any patient or falsification of patient records. Therefore, the Board believes a Reprimand is an appropriate sanction.

The Board voted to adopt the within **Final Decision** at its meeting held on September 13, 2023, by the following vote:

In favor: *A. Alley, K. Crowley, M. Harty, A. Joseph, L. Kelly, L. Keough, M. McAuliffe, J. Monagle, C. Norris, V. Percy, R. Reynolds*

Opposed:

Abstained:

Recused:

Absent: *K.A. Barnes, A. Sprague, L. Wu*

ORDER

Based on its Final Decision, the Board imposes a **REPRIMAND** on Respondent's nursing licenses, RN2269345 and LN68773. The Board notes the facts in this case are not disputed and that Respondent admitted to his error and took responsibility.

The Board voted to adopt the within **Final Order** at its meeting held on September 13, 2023, by the following vote:

In favor: A. Alley, K. Crowley, M. Harty, A. Joseph, L. Kelly, L. Keough, M. McAuliffe, J. Monagle, C. Norris, V. Percy, R. Reynolds

Opposed:

Abstained:

Recused:

Absent: K.A. Barnes, A. Sprague, L. Wu

EFFECTIVE DATE OF ORDER

This Final Decision and Order 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 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,

Patricia McNamee on behalf of

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

Date Issued: September 13, 2023

Notified:

By first-class and certified mail no.

Return receipt requested;

And Via Electronic Mail to:

Kerri M. Morey, Esq.
Morey Law Group, PC
859 Willard Street, Suite 400
Quincy, MA 02169
kmorey@moreylg.com

By inter-office mail

Stephen Pleva, Esq.,
Department of Public Health
Office of General Counsel
250 Washington Street, 2nd Floor
Boston, MA 02108

Meghan Bresnahan, Esq.
Department of Public Health
Office of General Counsel
250 Washington Street, 2nd Floor
Boston, MA 02108



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

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MARGRET R. COOKE
Acting Commissioner

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

August 18, 2021

By First Class and Certified Mail
No. 7019 0140 0000 7224 4382

Uche Obu
895 Franklin St
Wrentham MA 02093

By First Class and Certified Mail
No. 7019 0140 0000 7224 4368

Uche Obu
437 Hilltop Dr.
Walpole, MA 02081

By e-mail: [REDACTED]

RE: In the Matter of Uche Obu, RN License No. 2269345, LN License No. 68773
Board of Registration in Nursing, Docket No. NUR-2020-0065

Dear Mr. Obu:

For the reasons set forth in the attached Order to Show Cause, the Massachusetts Board of Registration in Nursing ("Board") within the Department of Public Health, Bureau of Health Professions Licensure ("Bureau") is proposing to suspend, revoke or impose other discipline against your license to engage in the practice of nursing as a Registered Nurse (License No. RN2269345) and as a Licensed Practical Nurse (License No. LN68773), relative to the above-listed complaint against your license. The Order to Show Cause and any subsequent hearing are governed by Massachusetts General Laws Chapter 30A, the State Administrative Procedure Act, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* You must submit an Answer to the Order to Show Cause **and** you have a right to request a hearing by filing a written request for a hearing, as specified in the Order to Show Cause.

Your failure to submit an Answer to the Order to Show Cause within twenty-one (21) days of receipt of the Order to Show Cause *shall result in the entry of default* in the above-referenced matter. Your failure to submit a written request for a hearing within twenty-one (21) days of receipt of this Order to Show Cause *shall constitute a waiver of the right to a hearing* on the allegations therein and on any Board disciplinary action. Notwithstanding the earlier filing of an Answer

and/or request for a hearing, your failure to respond to notices or correspondence, failure to appear for any scheduled status conference, pre-hearing conference or hearing dates, or failure to otherwise defend this action shall result in the entry of default.

If you are defaulted, the Board may enter a Final Decision and Order that assumes the truth of the allegations in this Order to Show Cause, and may revoke, suspend, or take other disciplinary action against your license to engage in the practice of nursing in the Commonwealth of Massachusetts, including any right to renew your license.

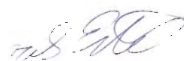
The request for a hearing and your Answer must be filed with Noah Ertel, Prosecuting Counsel, at the following address:

Noah Ertel, Esq.
Prosecuting Counsel
Department of Public Health
Office of the General Counsel
250 Washington Street, 2nd floor
Boston, MA 02108

If you are represented by an attorney in this matter, all communications should be made through your attorney.

You may contact me at (617) 519-9612 if you have any questions regarding this matter.

Sincerely,



Noah Ertel, Esq.
Prosecuting Counsel
Department of Public Health
noah.ertel@mass.gov

NE

Encl:

Order to Show Cause

Certificate of Service

cc: Glenn Fortier, Esq. (via email ONLY: Fortier.lawoffice@gmail.com)

This is an important notice. Please have it translated.
Este é um aviso importante. Queira mandá-lo traduzir.
Este es un aviso importante. Sirvase mandarlo traducir.
ĐÂY LÀ MỘT BẢN THÔNG CÁO QUAN TRỌNG
XIN VUI LÒNG CHO DỊCH LẠI THÔNG CÁO ẤY
Ceci est important. Veuillez faire traduire.

本通知很重要。请将之译成中文。

នេះគឺជាជំណាងល្អ សូមមេត្តាបកប្រែជូនផង

ΠΡΟΣΟΧΗ, ΑΥΤΟ ΕΙΝΑΙ ΣΗΜΑΝΤΙΚΟ. ΠΑΡΑΚΑΛΩ ΜΕΤΑΦΡΑΣΤΕ
Questo è un 'avviso importante. Si pregadi farlo tradurre.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

_____)
Board of Registration in Nursing)
Petitioner)
)
v.)
)
Uche Obu)
RN License No. 2269345)
License Expires 06/03/2022)
LN License No. 68773)
License expired 06/03/2011)
Respondent)
_____)

Docket No. NUR-2020-0065

ORDER TO SHOW CAUSE

Uche Obu you are hereby ordered to appear and show cause why the Massachusetts Board of Registration in Nursing (“Board”) should not suspend, revoke, or otherwise take action against your licenses to practice as a Registered Nurse (“RN”) and Licensed Practical Nurse (“LN”) in the Commonwealth of Massachusetts, License Nos. RN2269345 and LN68773 or your right to renew such licenses, pursuant to G.L. c. 112, §61 and Board regulation 244 CMR 9.03, based upon the following facts and allegations:

Factual Allegations

1. On or about October 18, 2010, the Board issued to you a license to engage in the practice of nursing as a RN in the Commonwealth of Massachusetts, License No. RN2269345. Your license expires on June 3, 2022, unless otherwise renewed.
2. On or about September 5, 2007, the Board issued to you a license to engage in the practice of nursing as a LN in the Commonwealth of Massachusetts, License No. LN68773. Your license is expired and has not been renewed as of the date of this Order to Show Cause.
3. From June 11, 2018 to January 6, 2020, you were employed in your capacity as a RN at Amedisys located in Malden, MA (“Amedisys”).
4. On or about December 16, 2019, while employed in your capacity as a RN at Amedisys, you submitted several annual evaluation documents for aides that did not have the required signature of the aide (“Aide Evaluations”).

5. You were notified by Kristina Santoro, the Scheduling Resource Manager at Amedisys, that the Aide Evaluations needed the aide's signature.
6. On or about December 23, 2019, you returned the Aide Evaluations with signatures ("Signed Aide Evaluations.")
7. The aides did not sign their respective evaluations of the Signed Aide Evaluations.
8. You forged the signatures in the Signed Aide Evaluations.
9. On or about January 6, 2020, Jessica Boyle, Director of Nursing at Amedisys, contacted you to ask of the Signed Aide Evaluations were signed by the aides.
 - a. You sent a reply text message to Boyle that stated, "No!! I signed it given the urgency of its return."
 - b. You sent an additional reply text message that stated, "Ok. I do understand, aides were unreachable in addition to pressure to submit asap. I just did it to meet pressure but will understand/welcome its repercussion."
 - c. You sent an additional text message to Boyle that stated, "Jess! Since HR is already involved, I will like to tender my resignation effective immediately."
10. As a result of the above allegations, the Board opened an investigation regarding your License ("Board Investigation").
11. Pursuant to the Board Investigation, on or about April 6, 2020 you spoke with Investigator Anthony Pettigrew in which you admitted that you forged the signatures on the Signed Aide Evaluations to get the evaluations in on time.

Grounds for Discipline¹

- A. Your conduct, as alleged, as well as other evidence that may be adduced at hearing, warrants disciplinary action by the Board against your licenses to practice as an RN and LN and/or your right to renew your licenses pursuant to Board regulation 244 CMR 9.03 (5), for engaging in conduct that fails to conform to accepted standards of nursing practice.
- B. Your conduct, as alleged, as well as other evidence that may be adduced at hearing, warrants disciplinary action by the Board against your licenses to practice as an RN and LN and/or your right to renew your license pursuant to Board regulation 244 CMR 9.03 (31), for knowingly

¹ It is well-settled administrative law that due process requires that "notice must be given that is reasonably calculated to apprise an interested party of the proceeding and to afford him an opportunity to present his case;" due process does not require Prosecuting Counsel to provide a detailed description of evidence they intend to introduce at a disciplinary hearing. *Langlitz v. Board of Registration of Chiropractors*, 396 Mass. 374, 376-377 (1985). *See Lapointe v. License Board of Worcester*, 389 Mass. 454, 458 (1983) ("[d]ue process requires notice of the grounds on which the board might act rather than the evidentiary support for those grounds"). Thus, notice pleadings do not require Prosecuting Counsel to match factual allegations to grounds for discipline. Similarly, factual allegations are not necessarily an exhaustive characterization of the evidence to be adduced at a hearing.

falsifying, or attempting to falsify, any documentation or information related to any aspect of licensure as a nurse, the practice of nursing, and the delivery of nursing services.

- C. Your conduct, as alleged, as well as other evidence that may be adduced at hearing, warrants disciplinary action by the Board against your license to practice as an and LN and/or your right to renew your licenses pursuant to Board regulation 244 CMR 9.03 (47), for engaging in any other conduct that fails to conform to accepted standards of nursing practice or in any behavior that is likely to have an adverse effect upon the health, safety, or welfare of the public.
- D. Your conduct, as alleged, as well as other evidence that may be adduced at hearing, warrants disciplinary action by the Board against your license to practice as an RN and/or your right to renew your license pursuant to G.L. c. 112, §61, for committing deceit, malpractice, gross misconduct in the practice of the profession, or any offense against the laws of the Commonwealth relating thereto.
- E. Your conduct, as alleged, as well as other evidence that may be adduced at hearing, also constitutes unprofessional conduct and conduct that undermines public confidence in the integrity of the nursing profession as defined in *Sugarman v. Board of Registration in Medicine*, 422 Mass. 338, 342 (1996); *see also 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).

You have a right to an adjudicatory hearing (“hearing”) on the allegations contained in the Order to Show Cause before the Board determines whether to suspend, revoke, or impose discipline against your license. G.L. c. 112, §61. Your right to a hearing may be claimed by submitting a written request for a hearing *within twenty-one days of receipt of this Order to Show Cause*. You must also submit an Answer to this Order to Show Cause in accordance with 801 CMR 1.01 (6)(d) *within twenty-one days of receipt of this Order to Show Cause*. The Board will give you prior written notice of the time and place of the hearing following receipt of a written request for a hearing.

Hearings shall be conducted in accordance with the State Administrative Procedure Act, G.L. c. 30A, §§10 and 11, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 and 1.03, under which you are granted certain rights including, but not limited to, the rights: to a hearing, to secure legal counsel or another representative to represent your interests, to call and examine witnesses, to cross-examine witnesses who testify against you, to testify on your own behalf, to introduce evidence, and to make arguments in support of your position.

The Board will make an audio recording of any hearing conducted in the captioned matter. In the event that you wish to appeal a final decision of the Board, it is incumbent on you to supply a reviewing court with a “proper record” of the proceeding, which may include a written transcript. *New Bedford Gas and Light Co. v. Board of Assessors of Dartmouth*, 368 Mass. 745, 749-750 (1975). Upon request, the Board will make available a copy of the audio recording of the proceeding at your own expense. Pursuant to 801 CMR 1.01 (10)(i)(1), upon motion, you “may be allowed to provide a public stenographer to transcribe the proceedings at [your] own expense upon terms offered by the Presiding Officer.” Those terms may include a requirement that any copy of the transcript produced must be sent promptly upon completion and on an ongoing basis directly to the Presiding Officer by the stenographer or transcription service. The transcript will be made available

to the Prosecutor representing the Board. Please note that the administrative record of the proceedings, including but not limited to, the written transcript of the hearing is a public record and subject to the provisions of G.L. c. 4, §7 and G.L. c. 66, §10.

Your failure to submit an Answer to the Order to Show Cause within twenty-one days of receipt of the Order to Show Cause *shall result in the entry of default* in the above-captioned matter. Your failure to submit a written request for a hearing within twenty-one days of receipt of this Order to Show Cause *shall constitute a waiver of the right to a hearing* on the allegations herein and on any Board disciplinary action.

Notwithstanding the earlier filing of an Answer and/or request for a hearing, your failure to respond to notices or correspondence, failure to appear for any scheduled status conference, pre-hearing conference or hearing dates, or failure to otherwise defend this action shall result in the entry of default.

If you are defaulted, the Board may enter a Final Decision and Order that assumes the truth of the allegations in this Order to Show Cause, and may revoke, suspend, or take other disciplinary action against your license to practice as a Registered Nurse in the Commonwealth of Massachusetts, including any right to renew your license.

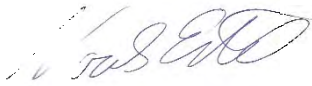
Your Answer to the Order to Show Cause and your written request for a hearing must be filed with the Prosecuting Counsel at the following address:

Noah Ertel, Esq.
Prosecuting Counsel
Department of Public Health
Office of the General Counsel
250 Washington Street, 2nd floor
Boston, MA 02108

You or your representative may examine Board records relative to this case prior to the date of the hearing during regular business hours at the office of the Prosecuting Counsel. If you elect to undertake such an examination, then please contact Prosecuting Counsel in advance at (617) 519-9612 to schedule a time that is mutually convenient.

Board of Registration in Nursing,

By:



Noah Ertel, Esq.
BBO #680698
Prosecuting Counsel
Department of Public Health
noah.ertel@mass.gov

Date: August 18, 2021

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Cover Letter, Order to Show Cause, and this Certificate of Service were served upon the Licensee, Uche Obu, at his address of record with the Board:

Uche Obu
895 Franklin St
Wrentham MA 02093

by First Class Mail, postage prepaid, and Certified Mail No. 7019 0140 0000 7224 4382

Uche Obu
437 Hilltop Dr.
Walpole, MA 02081

by First Class Mail, postage prepaid, and Certified Mail No. 7019 0140 0000 7224 4368

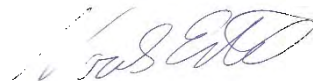
by email: [REDACTED]

and upon his counsel of record with the Board:

Glenn Fortier, Esq.
Law Office of Glenn Fortier
500 North Main Street
Unit D, Suite 202
Randolph, MA 02368

by email ONLY: Fortier.lawoffice@gmail.com

This 18th day of August 2021



Noah Ertel, Esq.
Prosecuting Counsel