

6. On or about June 21, 2006, Respondent's license to practice practical nursing in the Commonwealth of Massachusetts was revoked by the Commonwealth of Massachusetts, Board of Registration in Nursing, due to the fact Respondent engaged in a pattern of conduct in her handling, administration and documentation of controlled substances that was consistent with diversion. A copy of the June 21, 2006, Final Decision and Order by Default and Order to Show Cause is attached and incorporated, by reference, as part of this pleading.
7. Formal Charges were filed and mailed to Respondent on February 24, 2009.
8. On May 6, 2009, Respondent submitted a statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of the May 6, 2009 statement is attached and incorporated, by reference, as part of this Order.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(8), Texas Occupations Code.
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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CONTINUED ON NEXT PAGE.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 178851, heretofore issued to MELISSA JEANE PRIEWE, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice vocational nursing in compact states.

Effective this 7th day of May, 2009.



TEXAS BOARD OF NURSING

By:


Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

May 6, 2009

To Whom It May Concern,

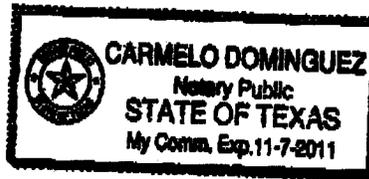
This letter is to confirm that I, Melissa Jeane Priewe, do hereby voluntarily surrender my privileges to practice nursing in the state of Texas. I also voluntarily surrender my Texas nursing license #1778851. Effective this date of May 6, 2009. This is no way my admission of guilt. Thank you for the opportunity.

Sincerely,

Melissa Jeane Priewe 5/6/09
Melissa Jeane Priewe

State of Texas County of Harris
Subscribed and sworn before me on 5/6/2009
(Date)

[Handwritten Signature]
(Notary Signature)



BOARD OF VOCATIONAL
NURSE EXAMINERS

VS.

MELISSA J. BRISCO

*
*
*
*
*
*

STATE OF TEXAS

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 178851 held by MELISSA J. BRISCO, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the Board's opinion, is likely to deceive, defraud, or injure the public, in violation of Texas Occupations Code, Chapter 302, Section 302.402 (a) (10), in the following manner:

I.

- a. Respondent's license to practice vocational nursing in the state of Texas expired on or about December 31, 2001 and became delinquent on or after January 1, 2002.
- b. On or about July 2, 2002, Respondent submitted an application for licensure renewal to the Board office. Said application was to renew Respondent's delinquent license.

II.

a. Respondent was employed as a Licensed Vocational Nurse at Lipo Surgery Clinic in San Antonio, Texas to include the dates from about July 15, 2001 to about July 2, 2002.

b. While so employed with said facility; Respondent practiced vocational nursing while her vocational nursing license remained in a delinquent status.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above-mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, subject to ratification by the Board of Vocational Nurse Examiners that license number 178851, heretofore issued to MELISSA J. BRISCO to practice vocational nursing in the State of Texas be, and the same is hereby **REPRIMANDED**.

AGREED BOARD ORDER
RE: MELISSA J. BRISCO, LVN #178851
PAGE 3

RECEIVED
OCT 17 2002
BVNE

IT IS FURTHER ORDERED that Respondent be issued an administrative fine in the amount of \$ 250.00, said fine shall be in the form of a cashier's check or money order, payable to the Board of Vocational Examiners. Said fine shall be paid in monthly installments of \$ 50.00, due on the 30th of each month, commencing the month following the date of the Boards ratification of this Order, and continuing thereafter until the full amount of the fine has been paid. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 15 day of October, 2002.

Melissa Jane Brisco
Signature of Respondent

8800 Starcrest Dr #64
Current Address

San Antonio, TX 78217
City, State and Zip

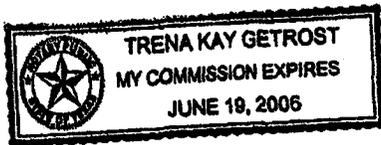
210 1 657-6711
Area Code and Telephone Number

AGREED BOARD ORDER
RE: MELISSA J. BRISCO, LVN #178851
PAGE 4

The State of Texas
County of Bexar

Before me, the undersigned authority, on this day personally appeared MELISSA J. BRISCO, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me on this the 15 day of October, 2002.



Shirak Getrost
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Terrie L. Hairston
Terrie L. Hairston, R.N., C.H.E.,
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 31st day of October, 2002.

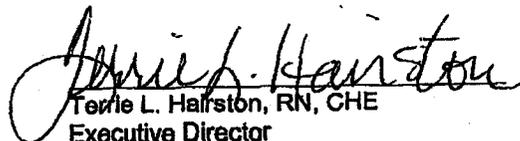


Sandy Gardner
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

BOARD ORDER
RE: MELISSA J. BRISCO, LVN #178851
PAGE: 5

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 15th day of October, 2002 by Respondent, license number 178851 and that Said Order is Final.

Effective this 3rd day of December, 2002

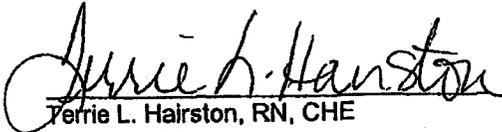

Terrie L. Halfston, RN, CHE
Executive Director
On Behalf of Said Board

BOARD ORDER
RE: MELISSA J. BRISCO, LVN #178851
PAGE: 6

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December, 2002, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

MELISSA J. BRISCO
8800 STARCREST DR NO. 64
SAN ANTONIO TX 78217



Terrie L. Hairston, RN, CHE
Executive Director
Agent for the Board of Vocational Nurse Examiners



BOARD OF VOCATIONAL NURSE EXAMINERS
333 GUADALUPE STREET, SUITE 3-400
AUSTIN, TEXAS 78701
(512) 305-8100

April 30, 2003

MELISSA BRISCO
8800 STARCREST DR NO. 64
SAN ANTONIO TX 78217

Dear Ms. Brisco:

You have successfully completed the terms of your Agreed Board Order dated March 4, 2002.

All pertinent information will remain in your permanent records. We urge you in the future to promote and uphold the ethical standards a Licensed Vocational Nurse should practice.

If you have any questions concerning this matter, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn Hudson".

Carolyn Hudson
Investigator

/ch



Name: MELISSA BRISCO



RN License Number: 178851



Date of Order: 12/03/2002





BOARD OF VOCATIONAL NURSE EXAMINERS

333 GUADALUPE STREET, SUITE 3-400
AUSTIN, TEXAS 78701
(512) 305-8100

December 6, 2002

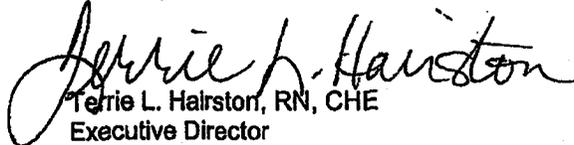
MELISSA BRISCO
8800 STARCREST DR NO. 64
SAN ANTONIO TX 78217

Dear Ms. Brisco:

The enclosed Agreed Board Order has been ratified by the Board of Vocational Nurse Examiners and is now in effect.

If you have any questions concerning this matter, please contact the Enforcement Division.

Sincerely,


Terrie L. Hairston, RN, CHE
Executive Director

TLH/ch

Enclosure: Agreed Order

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of)
Melissa Jeane Brisco)
LN License No. 64256)
License expired 9/25/05)

Docket No. LN-05-047

ORDER TO SHOW CAUSE

Melissa Jeane Brisco, 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 license to practice as a Licensed Practical Nurse in the Commonwealth of Massachusetts, License No. 64256, or your right to renew such license, pursuant to Massachusetts General Laws (G. L.) Chapter 112, § 61 and Board regulation 244 CMR 9.03, based upon the following facts and allegations:

1. On or about August 20, 2003, the Board issued to you a license to engage in the practice of nursing as a Licensed Practical Nurse, License No. 64256. Your license expired on September 25, 2005 and has not been renewed.
2. In or around June and July 2004, while working as a Licensed Practical Nurse at Mayflower Place Nursing and Rehabilitation Center in West Yarmouth, Massachusetts, you engaged in a pattern of conduct in your handling, administration, and documentation of controlled substances that constituted improper nursing practices and was consistent with diversion. Included within this pattern were incidents including, but not limited to the following:
 - a) On or about July 26, 2004, you were assigned to care for Patient A.
 - b) On or about June 13, 2004, Patient A's physician wrote a medication order directing that the patient be given one-half (1/2) of a 3.75mg Clarazapate Dipotassium ("Tranxene") tablet each morning. Tranxene is a controlled substance.
 - c) On July 9, 2004, by a telephone or interim order, Patient's A's physician modified the existing Tranxene order so that the new order provided that the "current dose" would be administered every other day and a total of 6 doses were to be administered. Thereafter, the use of Tranxene would be discontinued.

substances in accordance with all federal and state laws and regulations and in a manner consistent with accepted standards of nursing practice.

- (e) Your conduct as alleged violates 244 CMR 9.03(44) for failing to make complete, accurate, and legible entries in all records required by federal and state laws and regulations and accepted standards of nursing practice.
 - (f) Your conduct as alleged violates 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.
5. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a Licensed Practical Nurse pursuant to G. L. c. 112, § 61 for deceit, malpractice, and gross misconduct in the practice of the profession or for any offense against the laws of the Commonwealth relating thereto.
 6. Your conduct as alleged also constitutes unprofessional conduct and conduct which undermines public confidence in the integrity of the profession. *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 other 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 (21) 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 (21) 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). If you wish to provide for a written transcript, you must arrange for, and bear the cost of, a stenographer's presence at any hearing; and if a written transcript is prepared at your request, then said transcript shall also be provided to the Board, at your expense, for inclusion in the record. G.L. c. 30A, § 11(6), 801 CMR 1.01(10)(k); 801 CMR 1.01(10)(i).

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 herein and on any Board disciplinary action. 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 captioned matter. 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 nursing in the Commonwealth of Massachusetts, including any right to renew your license.

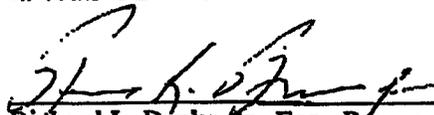
Your written request for a hearing and your Answer to the Order to Show Cause shall be submitted for filing to:

Richard L. Banks, Jr., Prosecutor
Department of Public Health
Office of the General Counsel
239 Causeway Street, 4th Floor
Boston, MA 02114

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) 973-0865 to schedule a time that is mutually convenient.

Board of Registration in Nursing,
Rula F. Harb, MSN, RN
Executive Director

By:


Richard L. Banks, Jr., Esq., Prosecutor
Department of Public Health

Date: March 15th, 2006

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

**BOARD OF REGISTRATION
IN NURSING**

In the Matter of)
Melissa Jeane Brisco)
LN License No. 64256)
License expired 9/25/05)

Docket No. LN-05-047

CERTIFICATE OF SERVICE

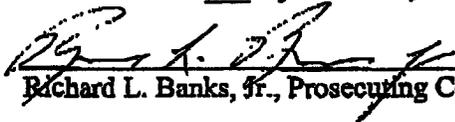
I, Richard L. Banks, Jr., hereby certify that I have served a copy of the Order to Show Cause upon Melissa Jeane Brisco, the Respondent, at the following locations and as stated below:

By First Class and Certified Mail
No. 7006 0100 0001 8712 0241
Ms. Melissa Jeane Brisco
P.O. Box 395
West Chatham, MA 02669

and

By First Class and Certified Mail
No. 7006 0100 0001 8712 0258
Ms. Melissa Jeane Brisco
52 Harvard Street
Hyannis, MA 02601

Sworn this 17th day of March, 2006


Richard L. Banks, Jr., Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BOARD OF REGISTRATION
IN NURSING

)
In the Matter of Melissa Jeane Brisco)
LN License No. 64256)
License Expiration Date 9/25/05)
_____)

Docket No. LN-05-047

FINAL DECISION AND ORDER BY DEFAULT

On March 15, 2006, pursuant to 801 CMR 1.01(6)(a), the Board of Registration in Nursing ("Board") issued and duly served on Melissa Jeane Brisco ("Respondent") an Order to Show Cause ("Show Cause Order") related to a complaint filed regarding Respondent's license. In addition to stating the allegations against Respondent, the Show Cause Order notified Respondent that an Answer to the Show Cause Order ("Answer") was to be submitted within 21 days of receipt of the Show Cause Order in accordance with 801 CMR 1.01(6)(d)(2); of the right to request a hearing on the allegations pursuant to M.G.L. c. 112, s. 61; and that any hearing request ("Request for Hearing") was to be submitted within 21 days of receipt of the Show Cause Order and that failure to do so would constitute a waiver of the right to a hearing. Respondent was further notified that failure to submit an Answer within 21 days "shall result in the entry of default in the captioned matter" and, if defaulted, "the Board may enter a Final Decision and Order that assumes the truth of the allegations in the Show Cause Order and may revoke, suspend, or take other disciplinary action against [Respondent's] license...including any right to renew [Respondent's] license." A copy of the Show Cause Order is attached to this Final Decision and Order by Default and is incorporated herein by reference.

On May 5, 2006, Prosecuting Counsel sent notice to Respondent to file an Answer and a Request for Hearing by May 12, 2006. The notice again advised Respondent that if defaulted, the Board may enter a Final Decision and Order that assumes the truth of the allegations stated in the Show Cause Order and impose license discipline, including discipline on any right to renew.

As of the date of this Final Decision and Order by Default, Respondent has failed to file either an Answer or a Request for Hearing.

The Board has afforded Respondent an opportunity for a full and fair hearing on the allegations in the Show Cause Order as required by M.G.L. c. 30A, s. 10, and sufficient notice of the issues involved to afford Respondent reasonable opportunity to prepare and present evidence and argument as

required by M.G.L. c. 30A, s. 11(1). The Board has also notified Respondent of the obligation under 801 CMR 1.01(6)(d) to file an Answer to the Show Cause Order within 21 days of its receipt and of the consequences of failing to file an Answer or otherwise respond.

As authorized by M.G.L. c. 30A, s. 10(2), the Board may make informal disposition of any adjudicatory proceeding by default. Upon default, the allegations of the complaint against Respondent are accepted as true. *Danca Corp. v. Raytheon Co.*, 28 Mass. App. Ct. 942, 943 (1990).

Based on the foregoing, the Board enters a default in the above-captioned matter and, consequently, the allegations in the Order to Show Cause are deemed to be true and Respondent has waived the right to be heard. In accordance with the Board's authority and statutory mandate, the Board orders as follows:

ORDER

Based on its Final Decision and Order by Default, the Board REVOKES Respondent's RIGHT TO RENEW her LICENSE to practice as a LICENSED PRACTICAL NURSE in Massachusetts, LN License No. 64256.

Respondent is hereby ordered to return any nursing license issued to her by the Board, whether current or expired, to the Board's office at 239 Causeway Street, Boston, Massachusetts 02114, by hand or by certified mail, within five (5) days of the Effective Date set forth below.

Respondent shall not practice as a Licensed Practical Nurse in Massachusetts on or after the Effective Date of this Order. "Practice as a Licensed Practical Nurse" includes, but is not limited to, seeking and accepting a paid or voluntary position as a Licensed Practical Nurse or in any way representing herself as a Licensed Practical Nurse in Massachusetts. The Board shall refer any evidence of unlicensed practice to appropriate law enforcement authorities for prosecution as provided by M.G.L. c. 112, §§ 65 and 80A.

Respondent may petition the Board in writing for relicensure when she can provide documentation satisfactory to the Board demonstrating her ability to practice nursing in a safe and competent manner. Such documentation shall include, but may not be limited to, evidence that Respondent has been in stable and sustained recovery from all substances of abuse for the three (3) years immediately preceding any petition for relicensure. Accordingly, Respondent shall with any petition for relicensure:

- 1) have submitted directly to the Board, according to the conditions and procedures outlined in **Attachment A**, the results of random supervised urine tests for substances of abuse for Respondent, collected no less than ten (10) times per year during the two (2) years immediately preceding the petition for relicensure, all of which are required to be negative;

- 2) have submitted directly to the Board documentation verifying that she has regularly attended group or individual counseling or therapy, or both, during the two (2) years immediately preceding any petition for relicensure. Such documentation shall be completed by each licensed mental health professional seen by Respondent, and shall be written within thirty (30) days preceding any petition for relicensure. Further, such documentation shall include: a summary of Respondent's progress in therapy and her full, sustained recovery from substance abuse, dependence and addiction; a statement of the frequency and length of therapy; and specific treatment recommendations for Respondent's full, sustained recovery from substance abuse, dependence and addiction;
- 3) submit written verification from Respondent's primary care provider and any other specialist(s) whom Respondent may have consulted that indicate that Respondent is medically able to resume the safe and competent practice of nursing, including a list of all prescribed medications and the clinical basis for such prescriptions, written within thirty (30) days preceding any petition for relicensure; and
- 4) if employed during the year immediately preceding Respondent's petition for relicensure, have each of her employer(s) during said year submit directly to the Board on official letterhead a performance evaluation that reviews Respondent's attendance, general reliability, and overall job performance.

At the time of any petition for relicensure, Respondent shall also assist the Board in obtaining documentation satisfactory to the Board that there are no pending actions or obligations, criminal or administrative, against Respondent before any court or administrative body. The Board, in its discretion, may decline to consider any petition for relicensure for a minimum of one (1) year after completion of all obligations, including probation, related to any criminal matters in which Respondent has been involved.

Respondent shall also submit documentation satisfactory to the Board of her successful completion of all continuing education equivalent to the continuing education required by Board regulations for the two (2) license renewal cycles immediately preceding any petition for relicensure.

The Board's approval of Respondent's petition for relicensure may be conditioned upon, and immediately followed by, probation of Respondent's nursing license for a period of time, as well as other restrictions and requirements that the Board may then determine are reasonably necessary in the best interests of the public health, safety, and welfare.

The Board may choose to relicensure Respondent if the Board determines that relicensure is in the best interests of the public at large.

The Board voted to adopt the within Final Decision by Default at its meeting held on June 14, 2006, by the following vote: Present and in favor: Diane Hanley, RN; Sheila Kaiser, RN/NA; Donna Lampman, RN; Salvador Porras, Public Member; Paulette Remijan, RN/NP; Janet Sweeney Rico, RN/NP; Jean Roy, RN; David Seaver, RPh, JD; and Philip Waithe, RN. Opposed: None. Abstained: None. Not present: Maura Flynn, LPN; Laurie Hartigan, LPN; and Ann Montminy, RN.

The Board voted to adopt the within Order by Default at its meeting held on June 14, 2006, by the following vote: Present and in favor: Diane Hanley, RN; Sheila Kaiser, RN/NA; Donna Lampman, RN; Salvador Porras, Public Member; Paulette Remijan, RN/NP; Janet Sweeney Rico, RN/NP; Jean Roy, RN; David Seaver, RPh, JD; and Philip Walthe, RN. Opposed: None. Abstained: None. Not present: Maura Flynn, LPN; Laurie Hartigan, LPN; and Ann Montminy, RN.

EFFECTIVE DATE OF ORDER

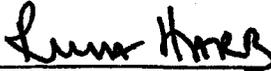
This Final Decision and Order by Default becomes effective upon the tenth (10th) day from the date it is issued (see "Date Issued" below).

RIGHT TO APPEAL

Respondent is hereby notified of the right to appeal this Final Decision and Order by Default within thirty (30) days of receipt of notice of this Final Decision pursuant to M.G.L. c. 112, § 64 and M.G.L. c. 30A, §§ 14 and 15.

Board of Registration in Nursing

Date Issued: JUN 21 2006



Rula Harb, MSN, RN
Executive Director

Notified:

BY FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO. 7006 0100 0001 8712 2597

Ms. Melissa Jeane Brisco
P.O. Box 395
West Chatham, MA 02669

**BY FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO. 7006 0100 0001 8712 2603**

**Ms. Melissa Jeane Brisco
52 Harvard Street
Hyannis, MA 02601**

BY HAND

**Richard Banks, Prosecuting Counsel
Office of Prosecutions
Division of Health Professions Licensure
Department of Public Health
239 Causeway Street
Boston, MA 02114**

ATTACHMENT A

COMMONWEALTH OF MASSACHUSETTS BOARD OF REGISTRATION IN NURSING

Random Urine Testing Information Sheet

- I. Random supervised urine tests are to include, but are not limited to, each of the following substances:
 - Ethanol
 - Amphetamines
 - Barbiturates
 - Benzodiazepines
 - Cannabinoids
 - Cocaine (metabolite)
 - Opiates:
 - Codeine
 - Morphine
 - Hydromorphone
 - Hydrocodone
 - Oxycodone
 - Phencyclidine
 - Methadone
 - Propoxyphene
 - Meperidine
- II. Laboratory criteria and expectations regarding specimen collection are to demonstrate compliance with the following:
 - 1) Urinalysis is to be conducted by a laboratory that is licensed by, or meets the licensure requirements of, the Massachusetts Department of Public Health (DPH). The laboratory must have demonstrated expertise in chain of custody and confidentiality procedures.
 - 2) Specimen collection shall be random, that is unpredictable in scheduling, which establishes credibility of the specimen.
 - 3) Specimen collection shall be supervised, that is observed, witnessed or otherwise assured as valid by a temperature check. This process ensures that urine has not been altered, tampered with, substituted or diluted.
- III. The results of each urine test must be mailed directly from the testing agency to the Massachusetts Board of Registration in Nursing. The Licensee shall be responsible for payment for any and all testing.
- IV. The urine drug testing service must be approved by the Massachusetts Board of Registration in Nursing. National Confederation of Professional Services, Inc. (NCPS) is the only approved provider of urine drug testing services for the Massachusetts Board of Registration in Nursing. To contact NCPS, call: 1-800-948-8589.