

MASSACHUSETTS SUPREME JUDICIAL COURT

Duggan v. Board of Registration in Nursing

456 Mass. 666 (2010) · Decided May 7, 2010

SUMMARY

The Supreme Judicial Court of Massachusetts reviewed the revocation of a registered nurse’s license by the Board of Registration in Nursing based on repeated inappropriate conduct involving young, intoxicated female patients. The court held that the board’s findings were supported by substantial evidence, adequately explained, and did not constitute arbitrary or capricious decision-making. The court affirmed the board’s decision, as amended, to revoke the license.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Ireland, J.
JURISDICTION	Massachusetts
DECIDED	May 7, 2010
DISPOSITION	affirmed
PROCEDURAL POSTURE	Duggan petitioned for judicial review of the Board of Registration in Nursing's decision revoking his registered-nurse license. A single justice affirmed the board's decision in most respects and remanded for further consideration of the sanction. After the board amended its decision and again imposed revocation, the single justice reserved the sanction issue and reported the case to the full Supreme Judicial Court.
STANDARD OF REVIEW	Under G. L. c. 30A, § 14 (7), the court reviews the agency decision for constitutional violations, excess of authority, errors of law, lack of substantial evidence, and arbitrariness, capriciousness, abuse of discretion, or other noncompliance with law. The court reviews the board's decision directly, considers the entire record including evidence detracting from the agency's conclusion, defers to the agency's credibility determinations and factual inferences, and does not substitute its view of the facts where substantial evidence supports the agency's findings. The party challenging the agency decision bears the burden of demonstrating its invalidity.
PRECEDENTIAL VALUE	Published precedential opinion of the Massachusetts Supreme Judicial Court.

PARTIES

Paul D. Duggan v. Board of Registration in Nursing

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QUESTIONS PRESENTED

1. Whether substantial evidence supported the board's factual findings and inferences concerning Duggan's conduct.
2. Whether the board adequately stated the reasons for its decision as required by G. L. c. 30A, § 11 (8).
3. Whether the board's findings that Duggan's conduct violated nursing regulations and constituted gross misconduct were arbitrary or capricious.
4. Whether the board abused its discretion by revoking Duggan's nursing license.
5. Whether the board improperly relied on Duggan's failure to acknowledge or accept responsibility for his conduct in imposing the sanction.

HOLDINGS

1. The board's findings and inferences concerning the charged incidents were supported by substantial evidence, and the court would not substitute its judgment for the board's credibility determinations or permissible factual inferences.
2. The board provided an adequate statement of reasons under G. L. c. 30A, § 11 (8), because it explained the credited evidence, the atypical circumstances, and why Duggan's conduct violated applicable nursing standards and regulations.
3. The board permissibly found that Duggan's conduct constituted gross misconduct, undermined public confidence in the nursing profession, and violated regulations requiring nurses to prevent mistreatment, safeguard patient dignity and privacy, and observe professional boundaries.
4. The board did not abuse its discretion by revoking Duggan's nursing license because the misconduct, individually, collectively, or in totality, warranted revocation.
5. The board did not improperly base the revocation sanction on Duggan's refusal to admit guilt; it considered his lack of acknowledgment and failure to accept responsibility only in connection with possible future reinstatement.

KEY QUOTATIONS

“While we must consider the entire record, and must take into account whatever in the record detracts from the weight of the agency’s opinion ... as long as there is substantial evidence to support the findings of the agency, we will not substitute our view of the facts.” (673-674)

“The board did not abuse its discretion in determining that Duggan’s conduct, individually, collectively, or in totality (as stated in its amended decision), warranted the revocation of his license.” (682-683)

FACTUAL BACKGROUND

Duggan was a registered nurse at New England Medical Center's emergency department from 1980 until 2000. The board found that he repeatedly engaged in inappropriate conduct involving young, intoxicated female patients, including barricading treatment-room doors, remaining with patients in bathrooms, taking a restrained patient into a bathroom, isolating himself with patients during intimate care, and standing between a patient's legs while she was exposed. The board concluded that this conduct violated nursing regulations concerning mistreatment, patient dignity and privacy, and professional boundaries, constituted gross misconduct, and warranted license revocation.

PROCEDURAL HISTORY

Following an administrative hearing, the board revoked Duggan's nursing license based on multiple incidents involving young, intoxicated female patients. On initial review, the single justice affirmed most of the board's decision but remanded the sanction issue. The board amended its decision, concluded that various incidents individually and collectively warranted revocation, and again revoked the license. The Supreme Judicial Court affirmed the amended board decision and directed entry of judgment affirming the revocation.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The case was remanded to the county court for entry of judgment affirming the board's amended decision revoking Duggan's license to practice as a registered nurse.

CASES CITED

- Gurry v. Board of Pub. Accountancy, 394 Mass. 118, 129 (1985)
- Bettencourt v. Board of Registration in Med., 408 Mass. 221, 227 (1990)
- Birudavol v. Board of Registration in Med., 448 Mass. 1031, 1031 (2007)
- Weinberg v. Board of Registration in Med., 443 Mass. 679, 685 (2005)
- Fisch v. Board of Registration in Med., 437 Mass. 128, 131 (2002)
- Kippenberger v. Board of Registration in Veterinary Med., 448 Mass. 1035, 1036 (2007)
- Fitzgerald v. Board of Registration in Veterinary Med., 399 Mass. 901, 906 (1987)
- Cobble v. Commissioner of the Dep't of Social Servs., 430 Mass. 385, 390-393 (1999)
- New Boston Garden Corp. v. Assessors of Boston, 383 Mass. 456, 466 (1981)
- School Comm. of Brookline v. Bureau of Special Educ. Appeals, 389 Mass. 705, 716 (1983)
- Goldstein v. Board of Registration of Chiropractors, 426 Mass. 606, 609 (1998)

- Weinberg v. Board of Registration in Med., 443 Mass. 679, 688-689 (2005)
- Kvitka v. Board of Registration in Med., 407 Mass. 140, 143, cert. denied, 498 U.S. 823 (1990)
- Levy v. Board of Registration & Discipline in Med., 378 Mass. 519, 524 (1979)
- Lankheim v. Board of Registration in Nursing, 454 Mass. 1013, 1014-1015 (2009)

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