

**BOARD OF REGISTRATION OF MEDICAL TECHNICIANS  
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION  
Philbrook Building, 121 South Fruit Street  
Concord, New Hampshire 03301**

**In The Matter Of:**

**Docket #02-2019**

**Cassandra King, Medical Technician  
Registration No: 001558  
(Adjudicatory/Disciplinary Proceeding)**

**DECISION AND ORDER**

By the Board: Cynthia A. Gray, RN, Chair, Arthur Yan, MD, Sarah Wilder, Medical Technician

Board Attorney: J.D. Lavallee

Also present: Tina M. Kelley, Administrator to the Board

Appearances: Cassandra King, Medical Technician, Respondent  
William Clutterbuck, MD, Acting Administrative Prosecutor  
Tina Kelley, Board Administrator

Ms. King appeared before the Board *pro se*.

On January 14, 2019 the New Hampshire Board of Registration of Medical Technicians (“Board”) received a letter from Cathleen Robert of Dartmouth-Hitchcock in Milford (“D-H”) New Hampshire. The letter reported that Cassandra King (“Ms. King” or “Respondent”) had been discharged from employment at Dartmouth-Hitchcock Milford.

**Background**

On July 27, 2017 the Board registered Ms. King as a Medical Technician.

On January 14, 2019 the Board’s office received a letter from Cathleen Robert at Dartmouth-Hitchcock (“D-H”) Milford informing the Board that Ms. King had been discharged for failure to meet D-H Attendance and Dependability standards. D-H policy provides that an employee who accrues more than six (6) unplanned absences in a rolling 12-month period may be subject to disciplinary action, up to and including termination from employment. Ms. King accrued nine (9) unplanned absences within a 12-month period and thus the decision was made to terminate her employment.

On January 15, 2019 the Board's Administrator, Tina Kelley, sent Ms. King a letter requesting she provide a written response to Ms. Robert's letter on or before January 31, 2019. The Board's letter was sent by both Certified and Regular mail. The letter was addressed to Ms. King at the address she had provided to the Board as her mailing address.

Ms. King did not respond to the request for a response to Ms. Robert's letter.

An adjudicatory hearing commenced on May 7, 2019, the specific issues to be determined included:

- A. Whether Respondent engaged in professional misconduct failing to respond to the Board's request for a written response to the allegations set forth in the complaint which if proven would be a violation of RSA 328-I:10, V. (c); and
- B. Whether Respondent engaged in professional misconduct by failing to meet Dartmouth-Hitchcock's attendance and dependability standards which if proven would be a violation of RSA 328-I:10, V. (c); and/or
- C. If any of the above allegations are proven, whether or not and to what extent, Respondent should be subjected to one or more of the disciplinary sanctions authorized by RSA 328-I:10, VII.

At the hearing, Dr. William Clutterbuck introduced the following exhibits and the Board entered them into evidence:

**Exhibits:**

Exhibit #1 – Complaint from Dartmouth-Hitchcock Milford dated 01/14/19

Exhibit #2 – A Letter Requesting a Response to the Complaint sent to Ms. King by Tina Kelley Board Administrator on 01/15/19

Dr. Clutterbuck presented the State's case to the Board.

Ms. King testified before the Board that she tried to contact the Board after she received the letter requesting a response to the complaint. She stated she left a voice mail but got no response. Ms. King claimed that she did not know what was going on and did not understand the potential consequences of calling out from her place employment with regards to her registration.

She testified that it was her fault for putting the letter aside and forgetting about it. She acknowledged that she had then received 2 copies of the Notice of Hearing, one through regular and one through certified mail. After she received the Notice of Hearing she contacted the Board's office again and spoke with Tina Kelley about the process moving forward. Ms. King described for the Board the reason she had so many absences from D-H: she had been dealing with a family member's health issues and the death of a friend. She stated that she is now employed at Harbor Homes; she has been there since December of 2018 and loves the job. She stated her attendance has been perfect.

The Board then called their Administrator Tina Kelley and asked if the testimony provided by Ms. King was accurate. Ms. Kelley testified that it was, but that she had not received a message from Ms. King and that her staff had not provided any information that Ms. King had left a message on their voicemails. Ms. Kelley offered that it was possible that a message was left on a voicemail elsewhere in Office of Professional Licensure and Certification and that she had not been notified.

**Applicable Laws:**

RSA 328-I:10 Disciplinary Action; Remedial Proceedings

- V. The board, after hearing, may take disciplinary action against any person registered by it upon finding that the person:
- (c) Has engaged in dishonest or unprofessional conduct, or has negligently or intentionally injured a patient while practicing as medical technician or performing such ancillary activities.

**Findings of Fact and Rulings of Law:**

- The Board finds that the respondent was registered on July 27, 2017 being given registration number 001558.
- The Board concludes that Ms. King failed to respond to the Board's request for a written response to the complaint filed by D-H which constitutes misconduct under RSA 328-I:10, V.(c).
- The Board finds that there was extenuating circumstances with regards to the Respondent's high rate of absenteeism. As a result, the Board finds the Respondent's absenteeism does not rise to the level professional misconduct.

Based upon the findings of facts and rulings of law the Board finds sufficient evidence that Ms. King was in violation of the laws and rules of the State of New Hampshire by failing to respond to the Board's request for information. In making its decision, the Board has considered all the evidence and has taken the following into consideration:

- Ms. King took full responsibility for failing to respond to the original letter requesting a response to a complaint.
- Family health issues and the death of a friend.

THEREFORE IT IS ORDERED, that Ms. King is REPRIMANDED in accordance with RSA 328-I:10, VII. (a).

IT IS FURTHER ORDERED, that within fifteen (15) days of the effective date of this Decision and Order Ms. King shall furnish a copy of this Decision and Order to any current employer for whom he performs services as a health care worker and to any agency or authority which registers, licenses, certifies, or credentials with which Ms. King is presently affiliated.

IT IS FURTHER ORDERED, that Ms. King furnish a copy of this Decision and Order to any employer for whom she performs medical services and/or agency, or authority with which Ms. King is affiliated as a health care worker which he may be registered, licensed, certified, or credentialed for one year from the effective date of this Decision and Order.

IT IS FURTHER ORDERED that Ms. King's breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-I:10.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Ms. King's file, which is maintained by the Board as a public document.

IT IS FURTHER ORDERED that this Decision and Order shall take effect as a final Order of the Board on the date it is signed by an authorized representative of the Board.

BY ORDER OF THE BOARD

Date: June 4, 2019

  
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Cynthia Gray, RN, Chair  
Authorized Representative of the  
Board of Registration of Medical Technicians