

**BOARD OF REGISTRATION OF MEDICAL TECHNICIANS  
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION  
Philbrook Building, 121 South Fruit Street, Suite 303  
Concord, New Hampshire 03301**

**In The Matter Of:**

**Docket #07-2019**

**Kelsey Marcou, Medical Technician  
Registration No: 002494  
(Adjudicatory/Disciplinary Proceeding)**

**DECISION AND ORDER**

By the Board: Cynthia A. Gray, RN, Chair, Arthur Yan, MD, William Clutterbuck, MD

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

Appearances: Kelsey Marcou, Medical Technician, Respondent  
Attorney Thomas Broderick, Acting administrative prosecutor

The New Hampshire Board of Registration of Medical Technicians (“Board”) first issued a temporary registration Kelsey Marcou (“Ms. Marcou” or “Respondent”) on July 17, 2018. After receiving her criminal background check, she was granted full Registration on August 8, 2018. Respondent holds registration number 002494.

**Background**

On or about February 19, 2019, the Board received a letter from Danyelle K. Nichols, LPN Supervisor at Dartmouth-Hitchcock Concord stating that Ms. Marcou had been discharged from her employment at Dartmouth-Hitchcock Concord. The reason provided in the letter was Ms. Marcou’s failure to meet Dartmouth-Hitchcock’s attendance and dependability standards.

On March 4, 2019 the Board’s Administrator, Tina Kelley, sent Ms. Marcou a letter requesting she provide the Board with a written response regarding the allegations set forth in Ms. Nichols’ complaint. Ms. Marcou’s written response was due to the Board on or before March 20, 2019. The Board’s letter was sent by both certified and regular mail; the certified mail return receipt was signed for by Zach Marcou on March 6, 2019. Ms. Marcou, however, failed to respond to the Board’s request.

As a result, the Board issued a notice of hearing on April 5, 2019 and in accordance with RSA 328-I:11 and Board administrative rule Mtec 205.08. This notice commenced the

adjudicative proceeding and set a hearing date for August 6, 2019. The specific issues to be determined at the hearing included:

- A. Whether Respondent engaged in professional misconduct by failing to respond to the Board's request for a written response to the allegations set forth in the complaint, which if proven would subject the Respondent to potential discipline pursuant to RSA 328-I:10, V. (c); and
- B. 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 actions authorized by RSA 328-I:10, VII.

The hearing occurred as scheduled on August 6, 2019. The hearing was continued, however, until August 22, 2019 to allow time for additional evidence to be submitted by the parties. At the hearing the Board reviewed numerous exhibits and the following were entered into evidence:

**Board Exhibits:**

Exhibit #1 – A letter from Danyelle K. Nichols, LPN Supervisor at Dartmouth-Hitchcock, dated 2/15/19

Exhibit #2 – A letter from Tina Kelley Board Administrator, dated 3/4/19

Exhibit #3 – A return receipt signed by Ms. Marcou

**Respondents Exhibits:**

Exhibit A – Respondent's Letter of Explanation, dated August 8, 2019

Attorney Broderick presented the Board's case calling one witness, Tina M. Kelley, Board Administrator. Ms. Kelley testified that she sent a letter to Ms. Marcou by both regular and certified mail and that the Board's office never received a response to the complaint from Ms. Marcou.

Ms. Marcou testified on her own behalf and did not dispute the evidence presented. Ms. Marcou stated that she had written a response to the complaint but had never mailed it to the Board because she had a couple of very crazy months. She has been dealing with some health issues and has been struggling since being terminated from Dartmouth-Hitchcock. She testified

she is currently working as an LNA at St. Theresa's Nursing Home in Manchester, NH. She acknowledging her wrongdoing, testifying that she regrets not sending the response and taking full responsibility for her lack of attention to the matter.

**Applicable Laws:**

RSA 328-I:10, V. (c)

Disciplinary Action; Remedial Proceeding

- (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.

Mtec 204.01 (a)

Investigation

- (a) The board shall make inquiry of a registrant whenever it receives information alleging violation of any statute administered by the board.

RSA 328-I:10, VII.

The board, upon making an affirmative finding under paragraph V, may take disciplinary action in any one or more of the following ways:

- (a) By reprimand.  
(b) By suspension, limitation, or restriction of a registration or probation for a period of time as determined reasonable by the board.  
(c) By revocation of registration.  
(d) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the board.  
(e) By assessing administrative fines in amounts established by the board which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater.

**Findings of Fact and Rulings of Law**

- The Board finds Ms. Kelley's testimony credible and supported by the evidence presented.
- The Board finds Ms. Marcou's testimony credible. Ms. Marcou showed genuine remorse and took full responsibility for her actions. In addition, the Board finds she has a greater understanding of her responsibilities with regards to registration in the State of New Hampshire.

- The Board finds Ms. Marcou's testimony credible. Ms. Marcou showed genuine remorse and took full responsibility for her actions. In addition, the Board finds she has a greater understanding of her responsibilities with regards to registration in the State of New Hampshire.

THEREFORE, IT IS ORDERED, that Ms. Marcou's is given a formal REPRIMANDED for failing to respond:

IT IS FURTHER ORDERED, that within fifteen (15) days of the effective date of this Decision and Order Ms. Marcou 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. Marcou is presently affiliated.

IT IS FURTHER ORDERED, that Ms. Marcou furnish a copy of this Decision and Order to any employer for whom he performs medical services and/or agency, or authority with which Ms. Marcou 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.

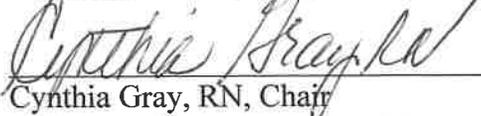
IT IS FURTHER ORDERED that Ms. Marcou breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-I:10.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Marcou'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.

Date: November 7, 2019

BY ORDER OF THE BOARD



Cynthia Gray, RN, Chair

Authorized Representative of the  
Board of Registration of Medical Technicians

Recused: Sarah Wilder, Medical Technician