

**STATE OF NEW HAMPSHIRE  
OFFICE OF PROFESSIONAL  
LICENSURE AND CERTIFICATION**

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**BOARD OF NURSING**

**In Re: Mary K. Brown, LNA  
Lic. # 002522-24**

Docket No.: 2023-NUR-021

**ORDER OF EMERGENCY  
SUSPENSION - 04/27/2023**

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**I. CASE SUMMARY/PROCEDURAL HISTORY:**

On or about 4/6/2023, the Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement”), acting on behalf of the Board of Nursing (“Board”), received a complaint alleging concerns that Mary K. Brown, LNA (“Respondent”) engaged in unprofessional conduct by allegedly using and/or being under the influence of controlled substances or any drug or device, or alcoholic beverages while working as a Licensed Nursing Assistant (LNA) at Concord Hospital, Concord, N.H. on March 17, 2023.

On 04/27/23, the Board voted to suspend the Respondent’s privilege to practice in N.H. on an emergency basis pursuant RSA 541-A:30(III), RSA 310-A:1-m, RSA 326-B:37(IV), N.H. Code Admin. R., Title Nur 402.03(a) ("Rules"), and/or N.H. Code Admin. R., Title Plc 206.07 (“Plc”). This Order of Emergency Suspension follows.

**II. LEGAL STANDARD:**

“In cases involving imminent danger to public health, safety, or welfare, the board may order the immediate suspension of a license pending an adjudicative proceeding.” RSA 326-B:37, IV. The Board has further interpreted that to mean: “[w]hen the board receives information indicating that a licensee

has engaged misconduct that poses an immediate danger to public health, safety, or welfare, the board shall, pursuant to RSA 326-B:37, IV, immediately suspend such person's license ..." Rule 402.03(a).

## **II. EVIDENCE PRESENTED AND FINDINGS OF FACT:**

### **A. Evidence Presented:**

The Board was presented with and/or considered the following evidence:

- 1) Enforcement Complaint Form dated April 6, 2023.
- 2) The Board also relied on its medical expertise and knowledge of the field of nursing. A review of the credible evidence presented, and the reasonable inferences taken therefrom, allows the Board to make the following findings of fact.

### **B. Findings of Fact**

The Respondent is a LNA licensed in the state of N.H. (Lic. # 2522-24). On 04/06/2023 OPLC Enforcement received a complaint alleging that the Respondent engaged in unprofessional conduct.

On March 17, 2023 at 1:23 p.m., a nurse co-worker smelled alcohol on the licensee while they were at work. It was observed that the licensee was not following directions and needed instructions for tasks repeated multiple times. The licensee's speech was noted to be forced and her behavior erratic. The co-worker reported these concerns to the Nurse Manager.

The licensee denied drinking when confronted by the Nurse Manager about the co-worker's concerns. The Nurse Manager removed the licensee from her shift and indicated that "for cause" testing was needed. The Licensee agreed to be tested.

A test was completed on March 17, 2023 at 2:17 pm. The alcohol testing resulted a 0.156 BAC. The drug screening resulted positive for amphetamines. The licensee was placed on administrative unpaid leave on March 17, 2023 and verbally resigned on March 21, 2023. The organization has accepted this resignation and the licensee is no longer employed with Concord Hospital.

**IV. DISCUSSION AND CONCLUSIONS OF LAW:**

The Board finds there is a reasonable basis to suspend the licensee’s privileges to practice as an LNA in New Hampshire on an emergency basis. The central facts are straightforward— Respondent is alleged to have engaged in unprofessional conduct by using controlled substances while performing her duties as an LNA at Concord Hospital. The Respondent tested positive for alcohol (0.156 BAC) and amphetamines. These facts demonstrate that the Respondent poses an imminent threat to the public health, safety, or welfare. Despite the Respondent’s termination of her employment, the Board, using its knowledge and expertise in the profession, finds the Respondent could potentially regain employment. The Respondent's conduct, on its face, therefore, warrants immediate emergency suspension of her privileges pursuant to RSA 541-A:30(III) and RSA 326-B:37(IV), pending a follow-up emergency suspension hearing. Pursuant to the requirements of Rule 402.03(a), such conduct also appears, on its face, that it may be misconduct as defined at RSA 326-B:37, II(e), (h), (l), (p), and/or (q)(2).

**IV. ORDERS:**

Pursuant to RSA 541-A:30(III), RSA 310-A:1-m, and 326-B:37(IV), the Board hereby orders the immediate emergency suspension of Mary K. Brown’s privilege to practice as a LNA in the State of New Hampshire, pending a follow-up emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 4/28/2023

/s/ Brenda Golden Hallisey, Esq.  
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