

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

BOARD OF NURSING

**In Re: Elizabeth Carpenter, LNA
LNA Lic. # 063566-24**

Docket No.: 2023-NUR-011

**ORDER OF EMERGENCY
SUSPENSION - 01/26/23**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On or about 01/06/23, 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 that Elizabeth Carpenter, LNA (“Licensee”) struck a dementia patient at Hanover Terrace, Lebanon, New Hampshire on 01/02/23. Upon receipt of the allegations, OPLC Enforcement conducted an expedited investigation. On 01/26/23, the Board voted to suspend the Licensee’s license 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) testimony from Michael Porter, Investigation Bureau Chief for OPLC Enforcement; 2) 01/25/23 Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 326-B:37, IV and accompanying documentation.¹ 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 Licensee is actively licensed in New Hampshire as a Licensed Nursing Assistant (“LNA”) with license number 063566-24. On 01/06/23 OPLC Enforcement received a complaint that the Licensee had struck a dementia patient residing at Hanover Terrace, Lebanon, New Hampshire in the stomach in an abusive manner on or about 01/02/23. The Division learned that the incident was witnessed by three employees of the nursing facility, all of whom are licensed by the Board. After investigation of the matter, the nursing home terminated the Licensee’s employment, and the matter was referred to the Lebanon, New Hampshire Police Department, which is actively investigating. OPLC followed up on the complaint by obtaining the investigative documents from Hanover Terrace and confirming the existence of the ongoing police investigation. These documents include an eye-witness statement from a Board licensee

¹ Hanover Terrace form titled “Allegation of Abuse”; 10/18/22 Hanover Terrace Form titled “Understanding Abuse and Neglect Exam” for S.V.; 10/18/22 Hanover Terrace form titled “Essentials of Resident Rights Exam” for S.V.; 04/04/22 Hanover Terrace Form titled “Understanding Abuse and Neglect Exam” for Elizabeth Carpenter; 04/04/22 Hanover Terrace form titled “Essentials of Resident Rights Exam” for Elizabeth Carpenter; 07/05/22 Hanover Terrace Form titled “Understanding Abuse and Neglect Exam” for A.M.; 07/05/22 Hanover Terrace form titled “Essentials of Resident Rights Exam” for A.M.; 07/18/22 Hanover Terrace Form titled “Understanding Abuse and Neglect Exam” for A.B.; 07/18/22 Hanover Terrace form titled “Essentials of Resident Rights Exam” for A.B.; 01/05/23; Hanover Terrace Health & Rehabilitation Center Resident to Resident or Alleged Abuse Incident Report; 01/05/23 Admission Record for Resident M.C.; 01/04/23 – 01/05/23 Email Correspondence among T.S., C.K. M.M. and P.M.; 01/05/23 Witness statements from SV, AM, A.P. and Elizabeth Carpenter; 01/20/23 Email correspondence from Michael Porter to Licensee.

working at the nursing facility which, in relevant part, says "... I turned to see Liz [Licensee] smack [...] [the patient] in the stomach..." 01/05/23 Witness Statement of S.V. "...[I]n this instance smacked means open hand enough force to cause a loud noise from a hand on a belly." *Id.*

OPLC Enforcement has made multiple, recent attempts to communicate with the Licensee about the complaint and potentially obtain a preliminary agreement not to practice. Unfortunately, it was unable to leave a telephone message on the Licensee's telephone number she provided to the Board and has not received a response to its email inquiry sent to the Licensee's email address on file with the Board. Although the Licensee was terminated from her place of employment, she remains actively licensed in the State of New Hampshire as an LNA.

IV. DISCUSSION AND CONCLUSIONS OF LAW:

The Board finds there is a reasonable basis to suspend the Licensee's LNA New Hampshire license on an emergency basis. The central facts are straightforward— Licensee is alleged to have struck a vulnerable nursing home patient in the stomach in an abusive manner and is still actively licensed as an LNA in New Hampshire. The allegation of abusive contact is supported by an eye-witness statement. These facts indicate that the Licensee poses an imminent threat to the public health, safety, or welfare, especially vulnerable nursing home patients. The Licensee's conduct, on its face, therefore, warrants immediate emergency suspension of her license 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), (k), (m), 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 Elizabeth Carpenter's license as an LNA, pending a follow-up

emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 1/27/2023

_____/s/ Nikolas Frye, Esq._____
Hearings Examiner
Authorized Representative of the Board of Nursing-
New Hampshire Office of
Professional Licensure & Certification
7 Eagle Square
Concord, NH 03301