

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

---

**BOARD OF NURSING**

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

**ORDER ON EMERGENCY LICENSE  
SUSPENSION HEARING**

Docket No.: 2023-NUR-011

---

**I. ATTENDEES**

Samantha O'Neill, Board Chair  
Maureen Murtaugh, Board Member  
Dwayne Thibeault, Board Member  
Wendy Stanley Jones, Board Member  
Michele Melanson-Schmitt, Board Member  
Matthew Kitsis, Board Member  
Jeanette Webber, OPLC Board Administrator  
Christine Senko, OPLC Board Administrator  
Attorney Marissa Schuetz, OPLC Hearing Counsel  
Attorney Lauren Warner, Board Counsel  
Attorney Shane D. Goulet, OPLC Hearings Examiner and Presiding Officer  
Elizabeth Carpenter, LNA Licensee  
Michael Porter, Investigations Bureau Chief Division of Enforcement OPLC, Witness

**II. 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”). The Board held an emergency adjudicatory hearing on 02/06/23 to determine whether the Licensee presented an imminent threat to public health, safety, or welfare such that her license should remain emergently suspended pending a full investigation and possible final disciplinary action.

This Order on Emergency Suspension follows.

### **III. SUMMARY OF THE EVIDENCE**

The Board received the following evidence pursuant to RSA 541-A:33 and Rule 207.09:

a. Exhibits were filed by Hearing Counsel, numbered as follows:

1. Complaint to OPLC dated 1/6/23
2. Internal email complaint to facility
3. Allegations of abuse from facility
4. Incident report sent to PD
5. Respondent’s statement to facility
6. Witness AM statement
7. Witness AP statement
8. Witness SV statement
9. Patient admission medication record
10. APS investigation notification

b. Exhibits were filed by Licensee, lettered as follows:

A. None

c. Sworn testimony was received from:

1. Michael Porter, Investigations Bureau Chief Division of Enforcement OPLC (called by Hearing Counsel)
2. Elizabeth Carpenter, Licensee

All exhibits were admitted into evidence as full exhibits by agreement of the parties.

### **IV. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED**

The Board proceeded to adjudicate the matter. Hearing Counsel held the burden of proof by a preponderance of the evidence. Rule 207.10. The sole issue before the Board was whether or not the Licensee's license should be suspended pending a full adjudicatory hearing in this matter

because she presents an imminent threat to the public health, safety or welfare, where, she is actively licensed in New Hampshire and [allegedly] struck a dementia patient at Hanover Terrace, Lebanon, New Hampshire on 01/02/23. Based upon the evidence presented at the hearing, the Board finds the following facts.

**Michael Porter, OPLC Chief Investigator**

Michael Porter was sworn and testified as the Investigations Bureau Chief for OPLC. He testified that OPLC received a complaint from the Director of Nursing of Hanover Terrace, Michelle Michael. Michelle Michael represented to Investigator Porter that an internal investigation was performed regarding the incident alleged in the complaint, and that the Licensee's employment was terminated and referred to law enforcement for further investigation. The complaint alleged that the Licensee was present in the room for the changing of resident M.C.'s catheter when two witnesses reported the Licensee slapped M.C.'s stomach. The Exhibits represent that Alana Martin, LNA, Skyler Verceles, LPN, and Andrea Palmer, LPN were all present for M.C.'s catheter change. Ms. Verceles witnessed the slap, Ms. Palmer heard the slap, and Ms. Martin did not see anything that occurred. *See* Exhibits 1, 2,3, 4, 5,6,7, and 8. Investigator Porter testified that there are conflicting dates concerning what day the incident occurred. The complaint representing the incident occurred 01/02/23 and the witness statements evidencing other dates. He stated that the incident occurred on January 2, 2023 which was confirmed by Program Specialist Lynne Theuner. He further testified that the investigation was still ongoing and was referred to multiple other agencies.

**Elizabeth Carpenter, Licensee**

Ms. Carpenter was sworn and testified to the allegations contained in the complaint and Hearing Counsel's Exhibits. She disputed slapping resident M.C. The Licensee claimed that the

alleged incident did not occur on January 2, 2023. She represented that there were three other people in the room as seen in the Exhibits. She testified that she was on the right side of resident M.C.'s bed speaking with her in effort to calm the resident prior to a catheter change. During this time, she was rubbing M.C.'s stomach. The Licensee represented that resident M.C. is historically very uncomfortable during catheter changes and commonly screams, hits, and yells. The Licensee represented that, at the time of the alleged incident, resident M.C. called the Licensee "a bitch" and hit her in the stomach with a fist. The Licensee testified that she informed the patient that she was pregnant.

Upon cross examination the Licensee represented that resident M.C. does not like her catheter changed and that she was rubbing the resident's stomach in attempt to comfort her. The Licensee further disputed becoming escalated or yelling at the patient. She did acknowledge not reporting the incident to her supervisor or other staff aside from those present.

Upon questioning from the Board, the Licensee firmly disputed ever saying "I'm fucking pregnant" as represented by Exhibit's 3, and 7. The Licensee related to the Board that her relationship with Ms. Verceles, with whom she was working, was not friendly. The Licensee represented that she has been hit by patient's and/or residents throughout the course of career but was never trained on if she should be reporting the incident. Upon further questioning by the Board, the Licensee testified that she was originally suspended from Hanover Terrace on January 5, 2023 and was informed of the termination of her employment on January 6<sup>th</sup>, 2023 by Michelle Michael. The Licensee stated that the alleged incident occurred on December 27<sup>th</sup>, 2023. The Licensee detailed that the week of January 2, 2023 was notable because it was the week she received her suspension and was not working in resident M.C.'s unit during that week.

**V. DISCUSSION AND FINDINGS OF FACTS / CONCLUSIONS OF LAW:**

After reviewing all the evidence, and accounting for the presentation and demeanor of all the witnesses, the Board finds that Hearing Counsel has not met their burden of proof that the Licensee poses an imminent danger to the life or health of the public as an LNA. The Exhibits and witness testimony adequately support the conclusion that allowing the Licensee to remain in practice pending a full adjudication of the matter does not pose a threat to public health, safety, or welfare, based on the nature and severity of the alleged violations from which the matter arose.

**VI. CONCLUSION AND DECISION:**

Pursuant to RSA 326-B:37(IV), RSA 541-A:30, III, Rule 402.03, and Plc 206.07 the Board hereby lifts its emergency suspension of Elizabeth Carpenter's License as an LNA.

DATED: 2/22/2023

\_\_\_\_\_/s/ Shane D. Goulet, Esq.\_\_\_\_\_

Shane D. Goulet, Esq., Hearings Examiner  
Authorized Representative of the  
Board of Nursing  
New Hampshire Office of  
Professional Licensure & Certification  
7 Eagle Square, Concord, NH 03301