

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

BOARD OF NURSING

**In Re: April Sue Hartley
RN Lic. # 089757-21**

Docket No.: 2023-NUR-026

**ORDER OF EMERGENCY
SUSPENSION – 5/25/23**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On 5/25/23 the New Hampshire Board of Nursing (“Board”) reviewed a Discipline Case Summary Report from the Massachusetts Board of Nursing that documented April Sue Hartley (“Licensee”) had surrendered her Registered Nurse license in Massachusetts after acknowledging she collected controlled substances from wasted medication packaging without authority. On 5/25/23, 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) Discipline Case Summary Report Printed for New Hampshire, (dated 4/25/23).

B. Findings of Fact

The Licensee is actively licensed in New Hampshire as a Registered Nurse (“RN”) with license number 089757-21. The Licensee voluntarily surrendered her license in Massachusetts for a minimum of three years effective 3/15/23 after she acknowledged collecting controlled substances from wasted medication packaging without authority.

IV. DISCUSSION AND CONCLUSIONS OF LAW:

The Board finds there is a reasonable basis to suspend the Licensee’s RN New Hampshire license on an emergency basis. The central facts are straightforward: Licensee is alleged to have collected Fentanyl and Propofol from wasted medication packaging without authority. The Licensee voluntarily surrendered her license in Massachusetts and acknowledged the allegation of drug diversion. These facts demonstrate that the Licensee poses an imminent threat to the public health, safety, or welfare. The Board, using its knowledge and expertise in the profession, find the Licensee’s ability to gain employment in the State of New Hampshire, to be a reasonable likelihood. 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), and/or (l).

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 April Sue Hartley’s license as an RN, pending a follow-up emergency

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

DATED: 5/26/2023

_____/s/ Shane D. Goulet, Esq._____
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