

**State of New Hampshire
New Hampshire Board of Nursing
Concord, New Hampshire 03301**

In the Matter of
James Kelly,
RN License #082538-21

Docket No.: 2021-ENF-Kelly-0710

VOLUNTARY SURRENDER OF LICENSE

Recognizing that professional misconduct allegations are now pending against me before the New Hampshire Board of Nursing (“Board”), I, James Kelly hereby agree to a voluntary surrender of my New Hampshire Registered Nurse (“RN”) License (#082538-21), effective upon the date that I sign this document.

By voluntarily surrendering my RN license, I understand that:

1. I relinquish all rights and privileges to practice nursing in the State of New Hampshire as defined by RSA 326-B:2, effective the date that I sign this document.
2. I admit that this *Voluntary Surrender of License* has occurred in settlement of pending misconduct allegations before the Board concerning allegations of RSA 326-B:37, II (c), (e), (h)(1), (m), and/or (l).
3. I admit to no violations of any State statutes, rules, or ethical provision, but acknowledge that I installed a recording device in the staff bathroom at Catholic Medical Center; that I misrepresented to my coworkers what the recording device was in order to retrieve the device; and that I destroyed or have otherwise failed to produce the recording device to law enforcement. I acknowledge that I entered a

fully negotiated guilty plea on 09/08/2022 in Hillsborough Superior Court (Case No. 216-2021-CR-01273) to misdemeanor charges of RSA 642:1 Obstructing Government Administration and RSA 644:9, I Violation of Privacy/Use, Install Device which resulted in a sentence including a ban on working as a care provider for the duration of the sentence, a requirement to register as a sex offender for a period of 10 years, an order to stay away from Catholic Medical Center in Manchester, NH except in the event of a medical emergency requiring treatment, and an order to receive counseling and treatment from Derek Edge, MA.

4. I further acknowledge that my *Voluntary Surrender of License* will be distributed by the Board as a disciplinary action.
5. This *Voluntary Surrender of License* shall be distributed to all relevant licensing authorities and professional societies in the same manner as a final decision-making specific finding of professional misconduct.
6. This *Voluntary Surrender of License* shall become a permanent part of my file and will be maintained by the Board as a public document.
7. In the event I submit an application for licensure under RSA 326-B, I must meet all requirements for reinstatement pursuant to RSA 326-B:23 and Nur 401.03. In addition, I agree to submit with any such application a report containing either a recommendation as to my fitness to practice from Derek Edge or then current subsequent mental health provider if currently receiving mental health services; or a report of discharge from mental health treatment by Derek Edge or subsequent mental health provider if not currently receiving mental health services.

8. In the event I submit an application for licensure under RSA 326-B, I understand that the above referenced misconduct allegations shall be addressed at a Show Cause Hearing in any future licensure application process before the Board at which I shall have the burden of proof. Specifically, I acknowledge the issues presented shall include whether or not the conduct acknowledged above is an act or conduct by the applicant involving intentional deception by the applicant, whether in the course of employment or as private conduct, that indicates that the applicant cannot be entrusted with the care of patients pursuant to Nur 302.01(d). I acknowledge these misconduct allegations may then form the basis for the Board to deny any such application. I hereby specifically waive any statute of limitations or laches defense, which might then be available as to these misconduct allegations, including but not limited to, those contained in RSA 332-G:8 and 9.
9. I voluntarily submit this *Voluntary Surrender of License* to the Board and state that no promises or representation have been made to me other than those terms and conditions expressly stated herein.
10. I have had the opportunity to seek and obtain the advice of an attorney of my choosing in connection with my decision to sign this *Voluntary Surrender of License*.
11. I am not under the influence of any substance that would impair my judgment and am otherwise of sound mind at the time I sign this *Voluntary Surrender of License*.

[signature to follow]

*In the Matter of James Kelly
NH Board of Nursing
Voluntary Surrender of License*

IN WITNESS WHEREOF, I hereby affix my signature on this 27th day of March, 2023.



(Signature)
James Kelly
Respondent

 #265386

Sara B. Crisp
(Print Name)
~~Attorney/Notary Public/Witness~~

ACCEPTED BY THE N.H. BOARD OF NURSING on this 4th day of April 2023.



Michael Gianunzio
(Print Name)
Authorized Representative of the
N.H. Board of Nursing