

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

In the Matter of:
David Mandel
License #054853-23
#054853-21

Docket No. 2023-NUR-Mandel-0327

VOLUNTARY PRELIMINARY AGREEMENT NOT TO PRACTICE

The New Hampshire Board of Nursing (“Board”) first granted David Mandel (“Mr. Mandel or Respondent”) a license to practice as a Registered Nurse (“RN”) on 6/17/2005 (#054853-21) and a license to practice as an Advanced Practice Registered Nurse (“APRN”) on 12/23/2014 (#054853-23).

On or about 3/10/2023 the OPLC Division of Enforcement received a complaint from the Respondent’s employer alleging that on or about 2/13/2023, while performing his duties as a Certified Registered Nurse Anesthetist (“CRNA”) the Respondent diverted a controlled substance, to wit, Ketamine, without the authority to do so. The Respondent’s employer made a referral to the NH Professionals Health Program and filed the complaint with the Division of Enforcement.

The above-mentioned action(s) constitute a possible violation or violations of the Nurse Practice Act, RSA Chapter 326-B. Realizing a complaint and investigation are pending before the Board, the Respondent agrees to enter into a *Voluntary* Preliminary Agreement Not to Practice with the Board as follows:

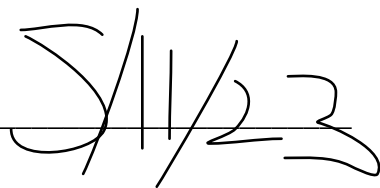
1. I, David Mandel, voluntarily agree not to practice as an APRN or RN, effective upon my signing this *Voluntary* Preliminary Agreement Not to Practice.

2. I admit to no violations of NH RSA 326-B or any administrative rules, ethical provisions, or any other laws, statutes, or regulations, adopted by the Board.
3. Understanding that this *Voluntary Preliminary Agreement* and the restrictions herein shall remain until further order of the Board. I hereby specifically waive any statute of limitations, or laches defense, which might be then available, including but not limited to, those based on RSA 332-G: 8 and RSA 332-G: 9.
4. I understand that this *Voluntary Preliminary Agreement Not to Practice* shall remain in place until such time the ongoing investigation into this matter is completed and the adjudicatory process has been completed.
5. I understand I will cooperate and meaningfully participate with the New Hampshire Professionals Health Program (“NHPHP”), and fulfill all requirements and recommendations set forth by the NHPHP.
6. I understand before returning to my duties as an APRN or RN, I will have to appear before the Board at a hearing to demonstrate satisfaction of requirements set forth by the NHPHP along with a recommendation by the NHPHP.
7. In the event that I apply for a renewal of my license while this agreement is in effect, I voluntarily agree to waive any statutory or administrative time deadlines regarding the Board’s final action on any such license renewal application. I understand that by waiving such deadlines, the Board’s final action on any such license renewal application will be automatically deferred until after the disposition of this Board matter and that my license will not expire while this Preliminary Agreement is in effect.

8. I enter into this *Voluntary Preliminary Agreement Not to Practice* with the Board and state that no promises or representations have been made to me other than those terms and conditions expressly stated herein.
9. I further understand that this document shall become a permanent part of my file and will be maintained by the Board as a public document upon execution by the Board as a Board Order and will be reported out as an adverse action against my license.
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 Preliminary Agreement.
11. I am of sound mind and not under the influence of any substance that would impair my judgement at the time I sign this *Voluntary Preliminary Agreement Not to Practice*.
12. I understand that my failure to comply with the terms of this *Voluntary Preliminary Agreement Not to Practice* shall constitute unprofessional conduct under RSA 326-B: 37 and may subject me to discipline under RSA 326-B: 37.

FOR RESPONDENT

Date:




Respondent (David Mandel)

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2023-NUR-Mandel-0327
NH Board of Nursing
Voluntary Preliminary Agreement Not to Practice*

FOR THE BOARD

This *Voluntary* Preliminary Agreement Not to Practice is hereby accepted in accordance with the binding terms and conditions set forth above and shall issue as an Order of the Board upon execution by the Board.

Date: 5/17/2023



(Signature)

Michael R. Gianunzio
Print Name
Authorized Representative of the New
Hampshire Board of Nursing