

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

BOARD OF NURSING

**In Re: Ryan Metz, LPN
VA LPN Lic. # 0002084042
Multi-State Privilege**

Docket No.: 2023-NUR-012

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

I. CASE SUMMARY/PROCEDURAL HISTORY:

On or about 01/13/23, 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 Ryan Metz, LPN (“Licensee”) had given excessive amount of morphine to a patient outside the scope of the prescribing physician’s orders and had otherwise been careless in working with controlled substances and patients at Derry Center for Rehabilitation in December of 2021. Upon receipt of the allegations, OPLC Enforcement conducted an expedited investigation and further learned that on 10/25/22 the Licensee was arrested for and charged with a felony count of possession of a controlled drug in New Hampshire. On 01/26/23, the Board voted to suspend the Licensee’s privilege to practice as an LPN in New Hampshire 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) 01/26/23 Summary Email of Concerns for Licensee; 3) 01/13/23 Complaint; 4) Case Summary for State v. Ryan Marcellas Metz, Docket #448-2022-CR-00504; 5) Case Summary for State v. Ryan Marcellas Metz, Docket #448-2022-CR-01410; 6) Case Summary for State v. Ryan Marcellas Metz, Docket #219-2022-CR-00936. 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 the Commonwealth of Virginia, which allows him privilege to practice in New Hampshire as a Licensed Practical Nurse (“LPN”). On 01/13/23 OPLC Enforcement received a complaint alleging the Licensee had given excessive amount of morphine to a patient outside the scope of the prescribing physician’s orders and had otherwise been careless in working with controlled substances and patients at Derry Center for Rehabilitation in December of 2021. Among other things the complaint alleged the Licensee had given morphine to a patient who was not actively dying, despite the fact the order was for only if the patient was actively dying, and then never signed out the narcotics or assessed the patient before or after administration. Additionally, the complaint stated the Licensee gave the patient multiple doses of morphine over a three night period, including 8 doses of it over a 12 hour

shift on the third night. The complaint also generally alleged that when the director of nursing at Derry Center for Rehabilitation went to confront the Licensee about these allegations, he found him sitting at a desk looking at a dating site, with the medical carts unlocked, stacks of medications on top of the carts, and the keys for the carts sitting in the hallway.

Further investigation into the complaint revealed that the Licensee was arrested in New Hampshire on 10/25/22 for felony possession of a controlled substance. According to the case summary for the Licensee's felony possession charge, the Licensee failed to appear for his arraignment and a warrant has issued for his arrest.

IV. DISCUSSION AND CONCLUSIONS OF LAW:

The Board finds there is a reasonable basis to suspend the Licensee's privilege to practice as an LPN in New Hampshire on an emergency basis. The central facts are straightforward— Licensee has a pattern of working with and using controlled substances in a dangerous and unlawful manner in the State of New Hampshire, including a recent 10/25/22 arrest for a felony possession of a controlled substance. 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 his 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), (l), (m), (p), 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 Ryan Metz's privilege to practice as an LPN in New Hampshire,

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