

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

BOARD OF PHYSICAL THERAPISTS

**In Re: Lauren Denapoli
Lic. # 2883**

**ORDER OF EMERGENCY
SUSPENSION – 07/14/23**

Docket No.: 2023-PHY-Denapoli-0977

I. CASE SUMMARY/PROCEDURAL HISTORY:

On or about 07/06/23, the Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement”), acting on behalf of the Board of Physical Therapists (“Board”), received a complaint alleging that Lauren Denapoli (“Licensee”) engaged in illicit drug use in the staff room of her employer, Mobility Bone and Joint Institute, while she was working. Subsequently, OPLC Enforcement conducted an expedited investigation into the complaint. After reviewing OPLC Enforcement’s “Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 310-A:1-m, IV and N.H. Code Admin.R.Title Plc 206.07,” the Board suspended the Licensee’s license on an emergency basis pursuant to RSA 310-A:1-m, IV, RSA 541-A: 30, III, and N.H. Code Admin. R., Title Plc 206.07 ("Rules"). This Order of Emergency Suspension follows.

II. LEGAL STANDARD:

“In cases involving imminent danger to life or health, a board may order suspension of a license or certification pending hearing for a period of no more than 10 business days, unless the licensee or certified individual agrees in writing to a longer period. In such cases, the board shall comply with RSA 541-A:30.” RSA 310-A:1-m. RSA 541-A:30 explains that:

If the agency [board] finds that public health, safety or welfare requires emergency action and incorporates a finding to that effect in its order, immediate suspension of a license may be ordered pending an adjudicative proceeding. The agency shall commence this adjudicative proceeding not later than 10 working days after the date of the agency order suspending the license. A record of the proceeding shall be made by a certified shorthand court reporter provided by the agency. Unless expressly waived by the licensee, agency failure to commence an adjudicative proceeding within 10 working days shall mean that the suspension order is automatically vacated. The agency shall not again suspend the license for the same conduct which formed the basis of the vacated suspension without granting the licensee prior notice and an opportunity for an adjudicative proceeding.

RSA 541-A:30, III.

Rule 206.07(a) commands the following:

- (a) To initiate an emergency proceeding, the regulatory authority shall issue an order that immediately suspends the respondent's license based on:
 - 1) A determination that there is a reasonable basis to believe that public health, safety, or welfare requires emergency action, if the action is commenced under RSA 541-A:30.
 - 2) Such determination as is required by the practice act under which the action is commenced.

III. EVIDENCE PRESENTED AND FINDINGS OF FACT:

A. Evidence Presented

The Board was presented with and/or considered the following evidence: a 07/13/23 "Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 310-A:1-m, IV and N.H. Code Admin.R.Title Plc 206.07" authored by Michael Porter, Investigations Bureau Chief, OPLC Division of Enforcement. A review of the evidence presented, and the reasonable inferences taken there from, allows the Board to find the following facts.

B. Findings of Fact

(See "Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 310-A:1-m, IV and N.H. Code Admin.R.Title Plc 206.07" which is attached hereto and incorporated by referenced herein).

IV. CONCLUSIONS OF LAW:

The Board concludes there is a reasonable basis to believe that 1) the Licensee holding a license as a physical therapist in New Hampshire presents an imminent danger to life or health and 2) the public health, safety, or welfare therefore requires emergency action, such that the Licensee's New Hampshire license should be suspended on an emergency basis pursuant to RSA 310-A:1-m, IV and RSA 541-A:30, III. The central facts alleged are straightforward—the Board finds there is a reasonable basis to believe that the Licensee has engaged in illicit drug use at her place of employment, while working. OPLC Enforcement has corroborated the veracity of the complaint by interviewing the complainant who had direct and personal knowledge of the allegations. The Licensee's conduct on its face appears to be a threat to public health, safety, or welfare that outweighs the Licensee's interest in continuing to practice, pending a follow-up emergency suspension hearing.

V. ORDER:

Pursuant to RSA 310-A:1-m, IV and 541-A:30(III), the Board, hereby orders the immediate emergency suspension of Lauren Denapoli's license as a Physical Therapist, pending a follow up emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 7/14/2023

_____/s/ Shane D. Goulet_____
Hearings Examiner
Authorized Representative of the Board of Physical
Therapists-
New Hampshire Office of
Professional Licensure & Certification
7 Eagle Square
Concord, NH 03301

STATE OF NEW HAMPSHIRE
NEW HAMPSHIRE PHYSICAL THERAPY GOVERNING BOARD

In The Matter Of:
Lauren Denapoli
License#2883

Docket No. 2023-PHY-Denapoli-0977

VERIFIED PETITION FOR EMERGENCY TEMPORARY SUSPENSION OF
LICENSURE PURSUANT TO RSA 310: 12, IV AND N.H. CODE ADMIN. R. TITLE
PLC 206.07

NOW COMES, THE Office of Professional Licensure and Certification, Division of Enforcement (“Division”), and hereby files a *verified* petition to the New Hampshire Physical Therapy Governing Board (“Board”) to emergently suspend the license of Lauren Denapoli (“Respondent”) a Licensed Physical Therapist (“LPT”) in the State of New Hampshire stating in support as follows:

1. The Board first granted the Respondent a license to practice as a LPT on 8/13/2003.
2. On or about 7/6/2023, the OPLC-Division of Enforcement (“Division”) received a complaint from the Respondent’s employer alleging the Respondent engaged in illicit drug use, to wit: cocaine, while actively employed and on the premises of her employer. Mobility Bone and Joint Institute (“MBJI”), formerly Optima Sports Therapy, in Salem, NH.
3. The above allegations appear to be in violation of RSA 328-A:9, V, N.H. Code Admin. R., Phy 501.02 (Ethical Standards for Physical Therapists), APTA Code of

Ethics principle(s) #3, #4, #5, #7, and also appear to be in violation of N.H. Code Admin. R., 405.01(d),(f), (k)(3)(4).

4. Jeff Kamuda (“Kamuda”) from MBIJ, filed the complaint with the Division and in the complaint reported the Respondent was “doing drugs in the staff room of the office. She admitted to doing cocaine in the clinic. She (Respondent) was brought into the back office and confronted when she stated it was cocaine and stated it was hers.”
5. On 7/12/2023, I spoke with Kamuda over the telephone and confirmed the Respondent was working on the day in question (possibly on or about 6/20/2023) and was seen leaving the staff room, sniffing, and acting odd.
6. Kamuda reported to me that he went into the staff room and opened a cabinet drawer where he located a prescription bottle filled with approximately ¼ inch of a white powdery substance.
7. Kamuda called the Respondent into the office. Also present was a representative from Human Resources.
8. During the conversation in the office, the Respondent admitted the cocaine was hers and admitted to doing cocaine in the office.
9. The Respondent was relieved of her duties as a Physical Therapist.
10. Kamuda had to leave the office to tend to a patient. Upon returning from working with his patient, Kamuda packed the prescription bottle up and drove to the Salem, NH police department to file a report.
11. Upon arriving at the police department Kamuda met with Officer Cody Sharpe.

12. When Kamuda handed the prescription bottle over to the officer, the officer opened the bottle and noted at that time there appeared to be a trace amount of cocaine in the bottle, not the nearly ¼ of an inch as reported.
13. Kamuda reported that when he left the room, the Respondent and a representative from Human Resources remained in the room and Kamuda believes the Respondent may have had access to the cocaine that was in the bottle.
14. Kamuda reported the Salem, NH Police Department have a report on file.
15. Kamuda reports he believes the Respondent may be seeking employment elsewhere because MBI received a call from a doctor's office inquiring whether the Respondent's patients will transfer with the Respondent.
16. On 7/12/2023, I drafted a Voluntary Preliminary Agreement Not to Practice ("PANP") and emailed the document to the Respondent's last known email address on file with the licensing division. This was sent via encrypted email at 6:33:00 PM.
17. The Respondent was given until 2:00 PM on Thursday, 7/13/2023, to accept or reject the PANP.
18. On 7/12/2023 at approximately 6:33:27 PM, I called the Respondent at the last known telephone number on file with the licensing division. I reached a voicemail which stated the phone belonged to "Lauren" and to leave a message.
19. I left a voicemail message requesting the Respondent contact me on my work cell phone to discuss this matter. I further informed the Respondent that I sent an encrypted email with an attached document for her to review.
20. The Division believes the Respondent's use of an illegal/illicit drug, to wit: Cocaine, while working with patients and while on her employer's premises, demonstrates the

Respondent lacks the ability to practice safely and creates an imminent danger to the patients, co-workers, and other licensees within the facility, who are all members of the public.

21. Learning from Kamuda that while the Respondent is no longer working at MBI, the Respondent may be actively seeking employment while this matter is pending creating an ongoing a situation whereby the Respondent is an imminent danger to the public health, safety, or welfare.

WHEREFORE, Michael Porter, Esq., Investigations Bureau Chief, OPLC-Division of Enforcement, on behalf of the Division, prays:

- A. The Board make a finding the Respondent is an imminent danger to the public health, safety, or welfare and emergently suspend the Respondent's license to practice consistent RSA 310: 12, IV and Plc 206.07.
- B. The Board schedule an emergency hearing within 10 days consistent with RSA 310:12, IV.
- C. Grant further relief as justice requires.

I, attest and affirm the facts outlined in this *Verified* Petition for Emergency Suspension of Licensure pursuant to RSA 310:12, IV and Plc 206.07 are true and accurate to the best of my knowledge and belief.

Date: July 13, 2023

Respectfully Submitted,

/s/ *Michael Porter*

Michael Porter, Esq.

NH BAR 266285

Investigations Bureau Chief

OPLC-Division of Enforcement