

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

**BOARD OF REGISTRATION OF
MEDICAL TECHNICIANS**

**In Re: Jillian Bosworth,
Mtec Registrant #002283**

Docket No. 01-2020

FINAL DECISION AND ORDER

I. ATTENDEES:

Todd H. Prevett, Esq. – Presiding Officer
Talia Wilson, Administrator
Keri Grande, Member
Sarah Wilder, Member
Attorney Rahkiya Medley, Hearing Counsel

II. CASE SUMMARY/PROCEDURAL HISTORY:

On or about 07/19/19, the Board received information alleging professional misconduct on the part of the Registrant Jillian Bosworth (“Registrant”). After investigation, on or about 03/05/20, the Board commenced an adjudicatory proceeding and issued a Notice of Hearing. The disciplinary hearing was continued multiple times due to the circumstances of the COVID-19 pandemic, but ultimately the disciplinary hearing was held on 12/03/2020, pursuant to RSA 328-I:11. Pursuant to N.H. Admin. R. Ann., Mtec 205.02 (“Rules”), Todd H. Prevett, Esq. presided over the hearing. After being sent notice via certified mail, return receipt requested, Registrant failed to appear at the hearing and was defaulted pursuant to Rule 205.16(f).

III. SUMMARY OF THE EVIDENCE:

The Board received the following evidence pursuant to RSA 541-A:33 and Rule 205.19:

A. Exhibits were submitted by Hearing Counsel, numbered as follows:

1. NH Online Licensing Information for Registrant, dated 06/13/19
2. Winchendon Police Report, dated 04/22/18
3. Peterborough Police Call for Service, dated 06/13/18
4. Harrisville Police Report, dated 02/15/19
5. Criminal Complaint and Harrisville Police Report, dated 12/27/18

B. Testimony/Offer of Proof was received from:

1. Attorney Rahkiya Medley, Hearing Counsel
2. Allison Vachon, Investigator, New Hampshire Department of Justice

IV. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED:

The Registrant was a registered medical technician under RSA 328-I, initially obtaining a license on or about 05/15/18. Registrant seems to have allowed her license to expire on 05/31/2020. After receiving information that Registrant had suffered a drug overdose, the Board commenced an investigation to determine whether Registrant had committed professional misconduct pursuant to the statute. The Board subsequently commenced an adjudicative proceeding and set a hearing date for 12/03/20 at 10:30. The Registrant sent the Board an email on 12/02/20 at 3:38 pm, requesting a continuance, and she verbally told the Board administrator in a voicemail she was considering obtaining legal counsel. However, she did not provide any information that would allow the Board to find good cause pursuant to Rule 205.16(b), to allow a continuance. The Registrant did not file anything that could be construed as a motion under Rule 205.15 or 205.16, and provided no specifics or facts that could allow the Board to find good cause to grant a continuance. After sending notice to the Registrant consistent with Rule 205.08, she failed to appear and was defaulted pursuant to Rule 205.16(f). The hearing proceeded in her absence.

Pursuant to Rule 205.21, Hearing Counsel has the burden of proving its case by a preponderance of the evidence, and Hearing Counsel was allowed to admit all evidentiary exhibits. The credible evidence presented at the hearing shows the following facts. On or about 04/22/18, the Winchendon, Massachusetts police department responded to a call of a drug overdose. When they arrived on scene, the Registrant was in the process of overdosing on heroin. They administered drugs in order to help her recover, and during the incident, she admitted to smoking heroin. It is unclear if she obtained the heroin from her employment, or from another hospital. On or about 06/13/18, the Peterborough police

department responded to another call of an overdose involving Registrant. She once again admitted to smoking heroin, and drug paraphernalia was found at the scene. These two incidents coincide with the same time period that Registrant was seeking registration with the Board. An additional Harrisville police report, dated 12/27/18, shows that Registrant's boyfriend was arrested in Harrisville, and provided statements that indicated that Registrant was also using heroin during that time period.

On or about 02/15/19, the Harrisville police department arrested Registrant's boyfriend during a traffic stop, while he was in possession of drugs. Once again, Registrant's boyfriend indicated he was coming back from dropping off Registrant at her place of employment at Cheshire Hospital. The report seemed to hint that she was involved in the drug activity, but gave no specific details. The Harrisville police continued to investigate, and contacted the Registrant's employer, but they had no further details, and indicated that Registrant had passed a drug test.

Investigator Allison Vachon, on behalf of the New Hampshire Department of Justice, testified that on or about 10/30/19, she interviewed Registrant. As part of her employment, Registrant would prepare work space, conduct EKGs, start patient IVs, and drew blood. Ms. Vachon obtained and reviewed the Harrisville police reports on the drug overdoses in April and June, 2018. Ms. Vachon also confirmed that Registrant's employer did an investigation and subjected Registrant to drug screens, which were all negative. Ms. Vachon stated that Registrant admitted that she was depressed and having trouble and "not making good decisions." But that, at time of interview, Registrant was bettering herself, getting further education and not hanging out with "bad people."

On or about 01/29/20, Ms. Vachon conducted a second interview with Registrant. Registrant admitted to the October 2018 incident of dropping a gauze pad on the floor, peeling off the soiled part and using the "clean" part on a patient. Registrant told her supervisor about it and understood she should not have done this. Ms. Vachon also testified that she and Registrant discussed that Registrant was late multiple times for her employment. Registrant indicated that she was having difficulty with her vehicle after an accident. Registrant was not working as a medical technician at the time of 01/29/20 interview. Lastly, Ms. Vachon discussed a June, 2019 incident where Registrant's employer discovered Registrant sleeping under a desk. Registrant stated that she was on break from work, had "punched out," and was not sleeping under a desk while she was on duty. Nonetheless, Registrant's two overdoses led to her employer being concerned about Registrant not being competent to do her job. Registrant ended up being terminated because of her habitual tardiness. Hearing Counsel requests that the Board discipline the Registrant appropriately, including revocation and inability to be reinstated.

V. **FINDINGS OF FACTS AND CONCLUSIONS OF LAW:**

- A. Pursuant to Rule 205.16(f), after notice and an opportunity to be heard, the Registrant failed to appear and she is hereby defaulted.
- B. Pursuant to Rule 205.16(f)(2), and based on the default, testimony and evidence from Hearing Counsel was received, and the Board shall make a final determination in this matter.
- C. Pursuant to RSA 328-I:6, Registrant was registered as a medical technician on 05/15/18.
- D. Pursuant to RSA 328-I:1(VI), a “medical technician” includes health care workers who have “access to controlled substances” as part of their employment in a health care facility or in a medical establishment.
- E. On or about 04/22/18, Registrant suffered a heroin overdose in Winchendon, Massachusetts, requiring police and medical intervention.
- F. On or about 06/13/18, Registrant suffered a second heroin overdose in Peterborough, requiring police and medical intervention.
- G. Both the April 2018 and June 2018 overdoses occurred contemporaneously with Registrant’s application and license approval.
- H. Between late 2018 and early 2019, Registrant was late to her employment multiple times. These incidents coincide with contemporaneous evidence of her opioid abuse. It is more likely than not that Registrant’s work performance was causally related to her opioid abuse.
- I. On or about October 2018, Registrant used an unsanitary gauze pad on a patient. This incident coincides with contemporaneous evidence of her opioid abuse. It is more likely than not that Registrant’s work performance was causally related to her opioid abuse.
- J. On or about June, 2019, Registrant was discovered sleeping under a desk during a work shift. This incident coincides with contemporaneous evidence of her opioid abuse. It is more likely than not that Registrant’s work performance was causally related to her opioid abuse.
- K. Pursuant to RSA 328-I:10(V)(c), Registrant has engaged in misconduct in that she engaged in unprofessional conduct, specifically by engaging in her employment while suffering from opioid abuse.
- L. Pursuant to RSA 328-I:10(VII)(c), after making an affirmative finding under RSA 328-I(V), the Board hereby REVOKES Registrant’s registration as a medical technician.

M. Pursuant to RSA 328-I:10(VII)(e), after making an affirmative finding under RSA 328-I(V), the Board declines to assess an administrative fine in this matter, due to nature of Licensee's struggles with addiction, in relation to the possible amount of the fine.

VI. CONCLUSION AND DECISION:

Pursuant to RSA 328-I:10(VII)(c) and (e), the Board hereby REVOKES Jillian Bosworth's registration as a medical technician.

DATED: 01/07/21

_____/s/ Todd H. Prevett, Esq._____
Todd H. Prevett, Esq., Hearings Examiner,
Authorized Representative of Board of
Registration of Medical Technicians -
New Hampshire Office of Professional
Licensure & Certification
7 Eagle Square
Concord, NH 03301
Office: 603-271-3825