

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

BOARD OF NURSING

**In Re: Linda Carter, RN/APRN
RN Lic. # 036999-21 and 036999-23**

**ORDER OF EMERGENCY
SUSPENSION – 09/22/22**

Docket No.: 2022-NUR-036

I. CASE SUMMARY/PROCEDURAL HISTORY:

On 09/22/22, the Board of Nursing (“Board”) reviewed a speed memorandum from the National Practitioner Databank (Nursys) alleging that Linda Carter (“Licensee”) had her license to practice as a registered nurse in the Commonwealth of Massachusetts summarily suspended indefinitely on 06/09/22 because the Licensee had allegedly consumed alcohol while employed and on duty as an RN/NP. After reviewing the speed memorandum and the accompanying pleading, order, and notice of hearing, the Board voted to suspend the Licensee’s license 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”), 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).

III. EVIDENCE PRESENTED AND FINDINGS OF FACT:

A. Evidence Presented

The Board was presented with a speed memorandum from the National Practitioner Databank (Nursys)¹. The Board also relied on its expertise in the field it regulates. 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

The Licensee is actively licensed as an RN in the state of New Hampshire. On 05/18/22, 05/19/22, and 05/20/22, the Massachusetts Office of Public Protection (“OPP”) received three separate complaints that the Licensee was observed on video recordings drinking alcohol while at work and on duty as a nurse at Banyan Treatment Center. The OPP investigated the matter by interviewing the complainant, Margaret Rocca, Executive Clinical Director at Banyan Treatment Center. Ms. Rocca confirmed the allegations in the complaint she had filed, identified the alcoholic beverage being consumed by the Licensee as wine, and stated that the Licensee had admitted to the conduct. The OPP also spoke with the Licensee about the allegations in the complaints, who responded “I can’t dispute that”, and admitted to drinking alcohol at work on other occasions. After having a conversation with the Licensee, OPP telephonically interviewed the other two complainants in this matter. The first, Elaine Stark, Vice Presiding of Operations, Square Medical Group, LLC, said the Licensee acknowledged she had drank alcohol at work and accepted responsibility. The other complainant, Brent Shy, Director for Operations at Banyan Treatment Center, said he had observed “the Licensee on video recording removing a bottle of Sutter Home wine from her bag, turn her back to the camera, and make a motion that appeared like she was drinking from the bottle.” Request of 06/09/22 at Par. 6. Mr. Shy also stated that he had confronted the Licensee about drinking at work and she admitted she had. After receiving this information, through a Request for Order of Summary

¹ This included a License Discipline Status for the Licensee, a Discipline Case Summary Report for the Licensee, and an Appendix with attached Order of Summary Suspension and Notice of Hearing issued by the Massachusetts Board of Registration in Nursing on 06/09/22 and a Request for Order of Summary Suspension dated 06/09/22 from the Executive Director of the Massachusetts Board of Registration in Nursing.

Suspension dated 06/09/22, the Massachusetts Board of Registration in Nursing summarily suspended the Licensee's Massachusetts license indefinitely on 06/09/22.

IV. CONCLUSIONS OF LAW:

The Board concludes there is a reasonable basis to suspend the Licensee's New Hampshire license on an emergency basis pursuant to RSA 326-B:37, IV. The central facts are straightforward—the Licensee is alleged to have consumed alcohol while employed and on duty as an RN/NP in Massachusetts and she is actively licensed in New Hampshire. The Licensee's alleged conduct, on its face, appears to be misconduct as defined at RSA 326-B:37, II (e), (f), (h), (k), (l), (p)(1), and/or (q)(2) (*See* Rules 402.04(b)(17) and 501.03(a) and/or (c)), that also warrants immediate emergency suspension of her license pursuant to RSA 326-B:37(IV), pending a follow-up emergency suspension hearing.

V. ORDER:

Pursuant to RSA 541-A:30(III) and 326-B:37(IV), the Board hereby orders the immediate emergency suspension of Linda Carter's New Hampshire licenses as an RN and APRN, pending a follow up emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 9/23/2022

_____/s/ Nikolas Frye_____
Hearings Examiner
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