

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

BOARD OF NURSING

**In Re: Lee Ann Griggs, RN
RN Lic. # 044076-21**

**ORDER OF EMERGENCY
SUSPENSION – 08/19/22**

Docket No.: 2022-NUR-028

I. CASE SUMMARY/PROCEDURAL HISTORY:

On 08/16/22, the Office of Professional Licensure and Certification, Division of Enforcement (OPLC Enforcement) received, on behalf of the Board of Nursing (“Board”), a complaint alleging Lee Ann Griggs (“Licensee”) was intoxicated while working as a registered nurse (“RN”) at Merrill Gardens, LLC and failed to provide residents medication. After reviewing a Verified Petition of Emergency Suspension of Licensure Pursuant to RSA 326-b:37, IV and hearing from Michael Porter, Investigations Bureau Chief at OPLC Enforcement, the Board voted at an emergency meeting held on 08/19/22 to suspend the Licensee’s license on an emergency basis pursuant RSA 541-A:30(III), RSA 326-B:37(IV), and N.H. Code Admin. R., Title Nur 402.03(a) ("Rules"). 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 Verified Petition for Emergency Suspension of Licensure Pursuant to RSA 326-b:37, IV and testimony from Michael Porter, Investigations Bureau Chief at OPLC Enforcement. 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 Board incorporates by reference the factual allegations contained in the Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 326-B:37, IV, which is incorporated by reference herein and attached hereto.¹

IV. CONCLUSIONS OF LAW:

Based on the evidence presented and its findings of fact, 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 has a history of Board action relating to substance use issues and is alleged to have recently been intoxicated while at work, during which time many/most medications were not given out during her shift and residents of Merrill Gardens, LLC missed medication doses. The Licensee's alleged conduct, on its face, appears to be misconduct as defined at RSA 326-B:37, II (e), (g), (k), (h), (l) , (p)(1) and/or (q)(2) (*see* Rules 402.04(17) and Rule 501.03(a)), 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:

¹ The Board voted to partially redact the Verified Petition for Emergency Suspension of Licensure Pursuant to RSA 326-b:37, IV pursuant to RSA 326-B:38. *See* Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 326-B:37, IV at Paragraph 32 on page 5 of 6.

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

DATED: 8/19/2022

_____/s/ Nikolas Frye _____
Hearings Examiner
Authorized Representative of the Board of Nursing-
New Hampshire Office of
Professional Licensure & Certification
7 Eagle Square
Concord, NH 03301

STATE OF NEW HAMPSHIRE
NEW HAMPSHIRE BOARD OF NURSING

In The Matter Of:
Lee Ann Griggs
(License # 044076-21)

Docket No. 2022-NUR-Griggs-0838

**VERIFIED PETITION FOR EMERGENCY TEMPORARY SUSPENSION OF
LICENSURE PURSUANT TO RSA 326-B: 37, IV**

NOW COMES, THE Office of Professional Licensure and Certification, Division of Enforcement (“Division”), and hereby files a verified petition to the Board of Nursing (“BON”) to emergently suspend the license of Lee Ann Griggs, Registered Nurse (“RN”) (“Respondent”) stating in support as follows:

BACKGROUND

1. On 8/16/2022 the Division received an email from Robert Fowler, Director of Nursing, Merrill Gardens, LLC-New Hampshire, reporting concerns about the Respondent.
2. Specifically, Mr. Fowler wrote, in part, it is alleged the Respondent appeared at work for her shift and was drinking an unknown alcoholic beverage from a Vitamin Water bottle throughout the day.
3. Mr. Fowler wrote, in part, *“Her behavior was very erratic and had difficulty comprehending what was going on in the building.”*
4. Mr. Fowler further wrote, *“Many/most medications were not given out during her shift and residents missed doses.”*
5. On 8/16/2022 I attempted to contact the Respondent about this current matter and left a voicemail message asking for a return phone call.

6. On 8/16/2022, I emailed the Respondent at the last known email address on file and have not heard back from the Respondent.
7. On 8/19/2022, I once again called the Respondent at the last known telephone number on file and left another message requesting a return phone call.
8. On 8/19/2022, I spoke with Mr. Fowler, the reporting party, and was able to ascertain information that will be detailed in a report as the investigation continues.
9. During the 8/19/2022 telephone call with Mr. Fowler, he did report that on 8/13/2022, he had a report from colleagues of the Respondent that the Respondent was possibly impaired at work.
10. Mr. Fowler followed up and went to the facility (Mr. Fowler was at a different facility at the time) and he did speak with the Respondent who informed him that she had an injury due to dog sitting and when she took the dog for a walk the dog pulled too hard and the Respondent was in pain which is why she was acting in the manner she was.
11. Mr. Fowler left the area and was again called to the facility.
12. When Mr. Fowler arrived at the facility the second time, a Newmarket, NH Police Officer was on scene and appeared to be wrapping up.
13. When Mr. Fowler saw the Respondent, she appeared to be in worse shape than when he saw her earlier.
14. According to Mr. Fowler, it was reported to him that the Respondent left the facility to go to a Rite Aid or other store. When the Respondent return to work, she parked partially on the pavement and partially on the grass and had substantial damage to one side of her vehicle.

15. Mr. Fowler reported he spoke with the Respondent the following day and was informed by the Respondent that she was acting differently the day before because she was taking a prescribed medication that did not agree with her.
16. A few days after the phone call noted in paragraph 15, the Respondent spoke with Mr. Fowler and informed him she was entering a rehabilitation facility but wanted to keep her job.
17. The Respondent was placed on leave.
18. On 8/19/2022, I contacted the Newmarket, NH Police Department to inquire about any reports relative to the Respondent.
19. A report was forwarded to me from the police department noting there was a call for service to the Pines of Newmarket on 8/13/2022 at 1316 hours regarding a Nurse possibly being under the influence. The caller reported she believes the Nurse on duty (Respondent) *“is under the influence of something.” “She left not long ago to go to the Irving and when she returned there was damage to her vehicle.”*
20. At approximately 1628 hours (8/13/2022), a patrol officer responded to the Pines and spoke with the Respondent.
21. The Respondent told the responding officer that the damage to her vehicle occurred at the Lee Market Basket parking lot the day before.
22. While speaking with the Respondent, the Officer noted the Respondent *“did appear to be intoxicated but denied crashing her vehicle into anything.”*
23. On 8/13/2022 at approximately 1823 hours, the Respondent turned herself into the Newmarket Police Department on an Electronic Bench Warrant for a past tense DWI out of Goffstown, NH District Court.

24. When the Respondent arrived to turn herself in at the Newmarket Police Department, she arrived with another female, J.R.
25. It is noted in the police report that upon release, “due to her level of intoxication” the Respondent was released to J.R. after J.R. signed a custodial release form.
26. The Respondent has a lengthy history with the Board.

PAST ACTIONS AGAINST RESPONDENT

27. On 4/16/1999, the Respondent entered into a Settlement Agreement with the Board relative to Dilaudid Diversion. *See* 1999 Settlement Agreement.
28. On 12/26/2000, the Board reinstated the Respondent to practice with stipulations. *See* 12/26/2000 reinstatement.
29. On 9/27/2006, the Respondent voluntarily surrendered her license to practice as an RN as a result of conduct that “*departed from nursing practice standards including the improper management of client records, falsified health care records of care recipients pertaining to controlled drugs, created unnecessary danger to patient health and safety, diverted controlled substances, and violated the Board’s administrative rules pertaining to patients’ rights, the administration of therapeutic agents and the recording of same in an inaccurate manner, and further violated the general ethical standards of Nur 501.03.*” *See* Voluntary Surrender dated 9/27/2006.
30. On 9/20/2007, the Board reinstated the Respondent’s license to practice as an RN and placed the Respondent on probation for 2 years with additional conditions. *See* reinstatement dated 9/25/2007.
31. On 7/20/2018, the Board issued an Order to lift the disciplinary sanctions (probation) issued by the Board on 9/20/2007.

32. [REDACTED]

33. 8/13/2022, is the most recent report of impairment against Respondent.

ARGUMENT

The Respondent has a past history with substance abuse including but not limited to controlled substances and/or alcohol. The Respondent is demonstrating a consistent new pattern of substance abuse and, based on the most recent report on 8/13/2022, patients may have been harmed when the Respondent failed to give out medication to “Many/Most” patients during her shift. The Respondent presents an imminent danger to the public health, safety, or welfare and, pursuant to RSA 326-B: 37, IV the Board may order the immediate suspension of a license pending an adjudicative proceeding.

For the aforementioned reasons set forth in this petition, the Division respectfully requests the NH Board of Nursing emergently suspend the license of RN Lee Ann Griggs with a finding, the alleged impairment on 8/13/2022 constitutes an imminent danger to the public health, safety, or welfare requiring an emergency suspension until the completion of the ongoing investigation.

I, Michael Porter, Esq., attest and affirm the facts outlined in this *Verified* Petition for Emergency Suspension of Licensure pursuant to RSA 326-B: 37, IV are true and accurate to the best of my knowledge and belief.

*Verified Petition for Emergency Suspension of Licensure
Lee Ann Griggs, RN
License # 044076-21*

Date: August 19, 2022

Respectfully Submitted,

/s/ Michael Porter

Michael Porter, Esq.

NH Bar # 266285

Investigations Bureau Chief

OPLC-Division of Enforcement