

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

---

**BOARD OF NURSING**

**In Re: Rebecca Martel, RN, APRN  
RN Lic. # 077395-21  
APRN Lic. # 077395-23**

Docket No.: 2022-NUR-018

**ORDER OF EMERGENCY  
SUSPENSION - 06/14/22**

---

**I. CASE SUMMARY/PROCEDURAL HISTORY:**

On or about 05/30/22, the Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement”), acting on behalf of the Board of Nursing (“Board”), received a complaint from Brian Mockler, a New Hampshire pharmacist employed at Walmart Pharmacy in Epping, New Hampshire. The complaint alleges Rebecca Martel, RN and APRN (“Licensee”) had self-prescribed a class II scheduled stimulant by writing a prescription to herself and attempting to fill it at the Walmart in Epping, NH. On 06/13/22, after multiple attempts to communicate with the Licensee about this matter and obtain a Preliminary Agreement Not to Practice (“PANP”), OPLC Enforcement received written responses from the Licensee in which she admitted to writing prescriptions for herself for controlled substances on multiple occasions and would not agree to a PANP. On 06/14/22, the Board held an emergency meeting pursuant to RSA 326-B:37(IV) and N.H. Code Admin. R., Title Nur 402.03(a) (“Rules”).

**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.**

On 06/14/22, Samantha O'Neill, Board Chair, acted as presiding officer under N.H. Code Admin. R. Nur Rule 202.01(l) and 208.01(b)("Rules").

## **II. EVIDENCE PRESENTED AND CONDUCT OF HEARING:**

The Board was presented with and/or considered 1) a Verified Petition for Emergency Suspension of Licensure Pursuant to RSA 326-b:37, IV; 2) a 05/30/22 complaint against Licensee; 3) 06/10/22 - 06/13/22 email correspondence between Michael Porter, Investigations Bureau Chief, OPLC Enforcement and Licensee, with attached proposed PANP; 4) and a 06/13/22 letter from Licensee to Board with attachments.<sup>1</sup> The Board also relied on its medical expertise and took administrative notice of the federal controlled drug schedules and the New Hampshire Secretary of State's business lookup website. A review of the evidence presented, and the reasonable inferences taken therefrom, allows the Board to find as follows below.

The Licensee is actively licensed in New Hampshire as a Registered Nurse ("RN") and Advanced Practice Registered Nurse with respective license numbers 077395-21 and 077395-23. Currently, she is self-employed at Confyde, PLLC, which is based out of her home. On 05/30/22 OPLC Enforcement received a complaint regarding the Licensee from Brian Mockler, who is a pharmacist at Walmart Pharmacy in Epping, New Hampshire. The complaint alleges the Licensee had self-prescribed a class II scheduled stimulant by writing a prescription for herself and attempting to fill it at the Walmart in Epping, New Hampshire. It also claims Dr. Mockler checked the prescription drug monitoring program, which revealed the Licensee had filled similar self-prescriptions three other times at two other pharmacies. According to the complaint, Dr. Mockler then called the Licensee and left a message.

---

<sup>1</sup> 1) A picture of the Licensee's cellular telephone showing the date and time of an incoming call from Walmart in Epping, NH; 2) a summary of telephone conversation between Licensee and complainant related to the 05/30/22 complaint against Licensee written by Licensee; 3) 06/02/22 email communications between the DEA and Licensee; 4) a 10/03/21 Assessment of Licensee, which is **SEALED** at the request of Hearing Counsel; 5) prescription information for CONCERTA; 6) prescription information for VYVANSE; and 7) 06/10/22 through 06/13/22 email correspondence between Licensee and Michael Porter.

After receiving communication from the Drug Enforcement Agency to ensure OPLC Enforcement had received the 05/30/22 Complaint, OPLC Investigator Michael Porter attempted to contact the Licensee on 06/10/22 about the allegations and potentially signing a PANP. On 06/13/22, Licensee provided substantive responses to both inquiries. In relevant part, she declined to sign the PANP and admitted to prescribing schedule II medications for herself on 02/08/22, 03/16/22, 04/07/22, and 05/30/22, as well as obtaining schedule II medications for herself on 02/08/22, 03/16/22, and 04/07/22. The response also confirms conversations and communication Licensee has had in relation to this matter with Dr. Mockler, DEA Diversion Investigator Erin Radebaugh, and OPLC Enforcement. In addition, it explains that she prescribed the medication for herself and took them to treat a diagnosed disorder that her psychologist had recommended she address with the assistance of a psychiatrist. The Licensee also stated in her response that “the care of her patients was never compromised or impaired by my taking these medications.” In a 06/13/22 email to Investigator Michael Porter, the Licensee declined signing a PANP because she has not had the ability to review it with an attorney and she is “confident that my agreement not to practice would not serve the best interests of the public.”

### **III. DISCUSSION AND FINDINGS OF FACTS / CONCLUSIONS OF LAW:**

The Board finds there is a reasonable basis to suspend the Licensee’s ARNP and RN New Hampshire licenses on an emergency basis. The central facts are straightforward and uncontested—Licensee is a self-employed APRN who has prescribed schedule II controlled substances for herself on multiple occasions. On three of those occasions, she has also taken the prescribed medications. This conduct places the Licensee, her patients, and others at risk such that the Licensee poses an imminent threat to the public health, safety, or welfare. The Licensee's conduct, on its face, warrants immediate emergency suspension of her 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)(1), (k), (n), (p)(1), (q)(2), and/or q(3).

**IV. CONCLUSION AND DECISION:**

Pursuant to RSA 541-A:30(III) and 326-B:37(IV), the Board hereby orders the immediate emergency suspension of Rebecca Martel's 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: 6/15/2022

\_\_\_\_\_/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