

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

BOARD OF NURSING

**In Re: Mellissa Lombari, LNA
LNA Lic. # 063711-24**

Docket No.: 2022-NUR-041

**ORDER OF EMERGENCY
SUSPENSION – 10/19/22**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On 10/17/22, the Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement”), acting on behalf of the Board of Nursing (“Board”), received an email from Amy Doucette, Director of Operations at GM Homecare, Inc., a/k/a BrightStar Care alleging that between approximately 07/01/22 and 10/11/22 Melissa Lombari (“Licensee”) had financially exploited a patient and his wife. Upon receipt of the emailed complaint, OPLC Enforcement conducted an expedited investigation. On 10/19/22, 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"), and/or 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).

II. EVIDENCE PRESENTED AND FINDINGS OF FACT:

A. Evidence Presented

The Board was presented with and/or considered the following evidence: 1) Confidential Memorandum from Michael Porter, Investigations Bureau Chief, OPLC Enforcement; and 2) testimony from Michael Porter. The Board also relied on its medical expertise and knowledge of the field of nursing. A review of the credible evidence presented, and the reasonable inferences taken therefrom, allows the Board to make the following findings of fact.

B. Findings of Fact

The Licensee is actively licensed in New Hampshire as a Licensed Nursing Assistant ("LNA") with respective license number 063711-24. On 10/17/22, OPLC Enforcement received an email from Amy Doucette, Director of Operations at GM Homecare, Inc., a/k/a BrightStar, alleging that, between approximately 07/01/22 and 10/11/22, the Licensee had financially exploited a patient and his wife. According to the complaint, the Licensee used pressure and inducement on these individuals to obtain approximately \$4,000.00 for herself.

OPLC Enforcement began its investigation into the allegations by contacting Director Doucette on 10/19/22. She has provided OPLC Enforcement with copies of multiple checks and a wire transfer from the Patient and his spouse to the Licensee. Director Doucette has also told OPLC Enforcement that the Licensee receives compensation for her work through the company, not the patient. According to Director Doucette, the Licensee threatened to withhold patient care if the patient and his spouse did not provide her with funds. Ms. Doucette further stated that the Licensee has brought her husband over to the patient's home. Ms. Doucette also clarified that the Licensee has not been terminated, but she has been removed

from the schedule. Nonetheless, the Licensee may still work in New Hampshire because she currently holds an active LNA license.

IV. DISCUSSION AND CONCLUSIONS OF LAW:

The Board finds there is a reasonable basis to suspend the Licensee’s LNA New Hampshire license on an emergency basis. The central facts are straightforward—Licensee is alleged to have exploited a patient for her own financial benefit in the amount of approximately \$4,000.00 by using threats and fear tactics. The Licensee’s alleged conduct places the patient and his wife, as well as other potential patients of the Licensee, at risk such that the Licensee poses an imminent threat to the public health, safety, or welfare. The Licensee’s conduct, on its face, therefore, 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), (k), (m), and/or (q)(2).

IV. ORDERS:

Pursuant to RSA 541-A:30(III), RSA 310-A:1-m, and 326-B:37(IV), the Board hereby orders the immediate emergency suspension of Mellissa Lombardi’s license as an LNA, pending a follow up emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 10/19/2022

_____/s/ Nikolas Frye, Esq._____
Hearings Examiner
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