

State of New Hampshire
New Hampshire Board of Nursing
Concord, New Hampshire 03301

RECEIVED
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OPLC-FINANCE

In the Matter of:
Mark Labranche
(License #064635-24)

Docket No. TBD

VOLUNTARY PRELIMINARY AGREEMENT NOT TO PRACTICE

The New Hampshire Board of Nursing ("Board") first granted Mark Labranche ("Mr. Labranche" or "Respondent") a license to practice as a Licensed Nursing Assistant ("LNA") on May 18, 2022. Mr. Labranche was issued license number 064635-24.

On or about July 28, 2022, the OPLC-Division of Enforcement, on behalf of the Board, received a complaint alleging on or about July 15, 2022, Mr. Labranche appeared for work as an LNA, under the influence of liquor or illegal drugs. Mr. Labranche's employer alleges they could detect an odor of alcohol on him and when confronted, Mr. Labranche refused a fitness for duty evaluation. The allegations may rise to the level of misconduct pursuant to NH RSA 326-B: 37, II, (g) and (p)(1).

Mr. Labranche enters into a Preliminary Agreement Not to Practice with the Board as follows:

1. I, Mark Labranche, voluntarily agree not to practice as a Licensed Nursing Assistant, effective upon my signing this Preliminary Agreement Not to Practice.

2. I admit to no violations of NH RSA 326-B or any administrative rules, ethical provisions, or any other laws, statutes, or regulations, adopted by the Board.
3. Understanding that this Preliminary Agreement and the restrictions herein shall remain until further order of the Board, I hereby specifically waive any statute of limitations, or laches defense, which might be then available, including but not limited to, those based on RSA 332-G: 8 and RSA 332-G: 9.
4. I understand that this *Voluntary* Preliminary Agreement Not to Practice shall remain in place until such time the ongoing investigation into this matter is completed and the adjudicatory process has been completed.
5. I understand I will cooperate and meaningfully participate with the New Hampshire Professionals Health Program ("NHPHP), and fulfill all requirements and recommendations set forth by the NHPHP.
6. I understand that this *Voluntary* Preliminary Agreement Not to Practice will remain in place until such time I have satisfactorily demonstrated compliance with all requirements and recommendations set forth by the NHPHP.
7. I understand before returning to my duties as a LNA, I will have to appear before the Board at a hearing to demonstrate satisfaction of requirements set forth by the NHPHP along with a recommendation by the NHPHP.

8. In the event that I apply for a renewal of my license while this agreement is in effect, I voluntarily agree to waive any statutory or administrative time deadlines regarding the Board's final action on any such license renewal application. I understand that by waiving such deadlines, the Board's final action on any such license renewal application will be automatically deferred until after the disposition of this Board matter and that my license will not expire while this Preliminary Agreement is in effect.
9. I voluntarily enter into this Preliminary Agreement with the Board and state that no promises or representations have been made to me other than those terms and conditions expressly stated herein.
10. I further understand that this document shall become a permanent part of my file and will be maintained by the Board as a public document.
11. I have had the opportunity to seek and obtain the advice of an attorney of my choosing in connection with my decision to sign this Preliminary Agreement.
12. I am of sound mind and not under the influence of any substance that would impair my judgement at the time I sign this Preliminary Agreement.
13. I understand that my failure to comply with the terms of this *Voluntary Preliminary Agreement Not to Practice* shall constitute unprofessional conduct under RSA 326-B: 37 and may subject me to discipline under RSA 326-B: 37

FOR RESPONDENT

Date: August 11, 2022

Mark Labranche
Respondent (Mark Labranche)

FOR THE BOARD

This Preliminary Agreement is hereby accepted in accordance with the binding terms and conditions set forth above.

August 24, 2022
Date: August 11, 2022

Ashley Czuchonicz
Mark C. Labranche
(Signature)
Ashley Czuchonicz
Mark C. Labranche
Print Name
Authorized Representative of the
New Hampshire Board of Nursing