

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

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**BOARD OF NURSING**

**In Re: Savannah Williams,  
LPN License # MS 323822**

Docket No.: 2022-NUR-0020

**FINAL DECISION AND  
ORDER – 09/22/22**

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**I. ATTENDEES**

Samantha O'Neill, Board Chair  
Joni Menard, Board Vice-Chair  
Melissa Tuttle, Board Member  
Melissa Underhill, Board Member  
Matthew Kitsis, Board Member  
Maureen Murtaugh, Board Member  
Michele Melanson-Schmitt, Board Member  
Attorney Lauren Warner, OPLC Board Counsel  
Attorney Shane Goulet, OPLC Board Counsel  
Attorney Michael Haley, DOJ Board Counsel  
Ashley Czechowicz, OPLC Board Administrator  
Jeanne Webber, OPLC Board Administrator  
Attorney Collin Phillips, OPLC Hearing Counsel  
Attorney Nikolas K. Frye, OPLC Hearings Examiner and Presiding Officer  
Savannah Williams, Licensee  
Brianna Miller, OPLC Investigator and as Witness

**II. CASE SUMMARY/PROCEDURAL HISTORY**

On or about 11/06/20, the Office of Professional Licensure & Certification, Division of Enforcement (“OPLC Enforcement”) received, on behalf of the New Hampshire Board of Nursing (“Board”), a complaint from the Laconia Police Department alleging Savannah Williams (“Licensee”) was arrested on 10/22/22 for a felony level, Conduct After an Accident after having been involved in a “hit and run” accident and making a false report to the police. After investigation, the Board voted on

05/26/22 to commence an adjudicative/disciplinary proceeding in this matter. A Notice of Adjudicative Hearing followed, and the Board then held the adjudicatory hearing on 09/22/22 at 9:00 AM. This Final Decision and Order follows.

### **III. SUMMARY OF THE EVIDENCE**

The Board received the following evidence pursuant to RSA 541-A:33 and Rule 207.09:

a. Exhibits were submitted by Hearing Counsel, numbered as follows:

1. 11/06/20 Complaint filed by Officer Jonathan Milne, Laconia Police Department
2. 03/19/21 Laconia Daily Sun News Article
3. 04/21/21 Union Leader News Article
4. 04/27/21 Memorandum by Ren Horne, OPLC Investigator
5. 06/07/22 Memorandum by Briana Miller, OPLC Investigator
6. 06/01/22 Printed Case Summary for Case No. 211-2021-CR-496
7. 03/10/21 Indictment in Case No. 211-2021-CR-496 (Conduct After Accident)
8. 03/10/21 Indictment in Case No. 211-2021-CR-496 (False Report)
9. 04/07/22 Acknowledgment of Rights – Class A Misdemeanor (Conduct After Accident)
10. 05/04/22 Complaint/Indictment Amendment Form (Conduct After Accident)
11. 05/04/22 Notice of Nolle Prosequi (False Report)
12. 06/01/22 Return from Superior Court – House of Corrections in Case No. 211-2021-CR-496
13. 06/01/22 House of Corrections Sentence in Case No. 211-2021-CR-496

b. Exhibits were submitted by Licensed, labeled as follows:

- A. Letter from Licensee’s criminal attorney in Case No. 211-2021-CR-496, along with exhibits

b. Testimony was received from:

1. Brianna Miller, OPLC Investigator (called by Hearing Counsel)
2. Licensee (called by Hearing Counsel)

All exhibits were admitted into evidence as full exhibits after the Presiding Officer determined they were material and relevant. All witnesses testified under oath.

### **IV. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED**

Hearing Counsel bears the burden of proof by a preponderance of the evidence. Rule 207.10. To present his case, Hearing Counsel provided Exhibits 1 through 13 and testimony from Brianna Miller and the Licensee. Based upon the evidence presented at the hearing, the Board finds the following facts.

**Brianna Miller**

The Board's file reflects that the Licensee is actively licensed as a Licensed Practical Nurse ("LPN") in New Hampshire, with license number MS 323822.<sup>1</sup> The first witness to testify was Brianna Miller, who opened by explaining she is the OPLC investigator who was assigned to investigate this matter in conjunction with the primary OPLC investigator Ren Horne.<sup>2</sup> The bulk of Investigator Miller's testimony consisted of identifying Exhibits 1 through 10 and 13.<sup>3</sup> Ms. Miller identified Exhibit 1 as the 11/06/22 complaint that OPLC received from Officer Jonathan Milne of the Laconia Police Department in relation to the Licensee. The complaint alleges the Licensee had been charged with a felony-level conduct after accident charge by the Laconia Police Department because it had evidence she had left the scene of an accident after having struck a bicyclist with her car. The complaint additionally explains that the Licensee had called the Franklin Police Department to report having struck a deer but later admitted to having hit the bicyclist. *See* Exh. 1.

Investigator Miller also referenced two newspaper articles in her testimony that generally address the incident and explain that the Licensee was consequently indicted. *See* Exhs. 2 and 3.<sup>4</sup> Exhibits 7 and 8, which Investigator Miller also noted, are the two indictments handed down by the grand jury on 03/10/21 in relation to this matter. These show the Licensee was indicted on charges of conduct after an accident and false report. Ms. Miller also testified that she and Mr. Horne had obtained the Case Summary

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<sup>1</sup> She is licensed in Mississippi, but under the compact is able to practice in New Hampshire

<sup>2</sup> Hearing Counsel explained at the outset of the adjudication that Ren Horne was unavailable due to illness.

<sup>3</sup> While not directly addressed in the direct examination, Ms. Miller referenced the contents of Exhibits 11 and 12 during questioning. These exhibits were also included in Exhibit A.

<sup>4</sup> The Board gave these exhibits very little weight in rendering its decision.

for these indictments, an Acknowledgment of Rights- Class A Misdemeanor, a Complaint/Indictment Amendment Form, a Notice of Nolle Prosequi, and a Return from Superior Court. When read in conjunction with each other, these documents demonstrate that the State of New Hampshire voluntarily nolle prossed the false report indictment against the Licensee and amended the conduct after an accident indictment from a felony level charge to a Class A Misdemeanor. *See* Exhs. 6, 10, and 11. Thereafter, the Licensee plead guilty to a single count Class A Misdemeanor of conduct after Accident. *See* Exhibit 9. Exhibits 12 and 13 are the Mittimus and Sentencing forms from the Licensee's criminal docket. They show she was convicted and sentenced to 1) 6 months in the house of corrections, all suspended for a period of two years and 2) restitution to the victim bicyclist in the amount of \$889.99. *See* Exhs. 12 and 13.

### **Licensee**

Hearing Counsel's next witness was the Licensee. Under the examination of Hearing Counsel, she testified to the following. The Licensee acknowledged she was involved in a car accident with a bicyclist in Laconia, New Hampshire in 2020. She stated it was dark on the night of the accident, it was her second night in Laconia, and she did not realize she had struck a bicyclist. She testified she thought a deer had run into her car and that she did not stop because she was in shock and afraid the wildlife might attack her. Instead, as she noted during her testimony, she continued driving to her place of work in Franklin, New Hampshire and then called the Franklin Police Department when she arrived. She approximated that 15 minutes had lapsed between when she had the accident and she arrived at work. Her testimony also revealed that the first time she learned she had hit a bicyclist and not a deer was when the Franklin Police Department told her this was the case. Based upon information that she learned through the subsequent criminal investigation into her conduct, the Licensee testified that the bicycle involved in the accident was black and had no headlight or reflectors. According to her testimony, both she and the

bicyclist suffered a concussion. She noted she did not feel responsible for what happened because she did not know what she hit was a bicyclist at that time. She assured the Board she would have stopped if she knew she hit a human being.

After being questioned by Hearing Counsel, the Licensee explained what happened on the night of the accident from her vantage point. She testified she was driving at night and something white came across her windshield, which she thought was deer horns. She explained that rather than stop, she kept going, so that she could get to a safe place to call the police. She clarified she did not stop because sometimes animals attack you. On multiple occasions during her testimony, she expressed that she thought she was doing the right thing by going to a safe location and calling the police. She stated that when the Franklin Police Department told her she had hit a bicyclist, the first thing she did was ask if the individual was okay. She characterized the accident as being the bicyclist's fault and referenced Exhibit A, which is the explanation from her criminal attorney as to what happened.

Upon Board questioning, the Licensee indicated that the accident has impacted her both mentally and physically. According to her testimony, she has not driven in two years and is on a prescribed medication. She said that she has also learned from the incident that she should immediately stop and call the police if she is involved in a motor vehicle accident. Board questioning also resulted in her relaying the difficulties she had in receiving medical attention for herself after the accident because she was scheduled to work. Her testimony revealed there was no one to cover her when she arrived at work, so she cared for dementia patients for a period of time before an ambulance was called to take her to the hospital. She admitted that she had difficulty caring for those patients.

After Board questioning, Hearing Counsel closed his case-in-chief. The Licensee was provided an additional opportunity to provide more witness testimony from either herself or another. In addition to what she had already testified about, the Licensee desired the Board to know that she has never been

before a board on a disciplinary matter in her 14 year career as a nurse. She described nursing as her passion and referred to her conduct in relation to the accident as a mistake. No further witnesses were called on the Licensee's behalf.

**V. DISCUSSION AND FINDINGS OF FACTS / CONCLUSIONS OF LAW:**

After reviewing all the evidence and drawing all reasonable inferences therefrom, as well as accounting for the demeanor and credibility of the witnesses, the Board finds, by a preponderance of the evidence, that the Licensee committed professional misconduct. Based upon the evidence presented and the findings of fact made herein, the Board additionally finds and concludes as follows:

- 1) The Board concludes that the Licensee committed professional misconduct, as that term is defined at RSA 326-B:37, II(c). In drawing this conclusion, the Board specifically finds, by a preponderance of the evidence, that the Licensee's plea to a Misdemeanor A crime for conduct after accident involved an incident in which she failed to stop at the scene of a motor vehicle accident that involved harm to human beings, including herself, and could have resulted in further harm to human beings because of her actions. The Board further finds and concludes that this conduct relates adversely to the practice of nursing or to the ability to practice nursing. *See, ie.*, Rule 501.03(c). At the heart of the nursing profession is caring for and protecting human life. The Licensee's decision to not stop at the scene of the accident resulted in medical care for the bicyclist being delayed, medical care for herself being delayed, risk of harm to others on the road upon which the Licensee traveled after the accident, and risk to the patients whom the Licensee later treated whilst suffering from a concussion and shock from the accident. The legislature has tasked the Board with "... safeguard[ing] the life, health, and public welfare of the people of New Hampshire and ... protect[ing] the people of the state from the unauthorized, unqualified, and improper application of services by individuals..." RSA 326-B:1. As a licensee of the Board, the Licensee

shares that duty to safeguard the life, health, and public welfare of the people of New Hampshire. In her failure to meet those obligations in relation to this incident, she committed professional misconduct and subjected herself to the Board's authority and responsibility to ensure that primary purpose is met.

- 2) Pursuant to RSA 326-b:37(III)(a), and upon a finding of misconduct under RSA 326-B:37, II, the Board indefinitely **SUSPENDS** the Licensee privilege to practice in New Hampshire. In order to seek reinstatement of her license privilege in New Hampshire, the Licensee shall contact the New Hampshire Professional Health Program ("NHPHP"), participate in all evaluations required by NHPHP, and comply with any and all of its recommendations for her. The Board's determination as to when the suspension will terminate shall be based upon the information it receives in relation to these requirements, as well as the recommendations of NHPHP.
- 3) In administering this discipline, the Board considered and weighed the factors enumerated in RSA 326-B:37(III) and Rule 402.04(g).

**VI. CONCLUSION AND DECISION:**

Pursuant to RSA 326-B:37, and Rule 402, the Board hereby makes the herein findings of professional misconduct. The Licensee is indefinitely **SUSPENDED** and subjected to further disciplinary action as stated herein. Hearing Counsel's proposed findings of fact and rulings of law are adopted insofar as they are consistent with this final order and decision.

DATED: 9/28/2022

\_\_\_\_\_/s/ Nikolas K. Frye, Esq.\_\_\_\_\_  
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