

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

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**BOARD OF NURSING**

**In Re: Elizabeth Frost,  
RN Lic. #084140-21**

Docket No.: 22-Nur-002

**ORDER DISMISSING EMERGENCY  
SUSPENSION – 02/07/22**

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**I. ATTENDEES:**

Samantha O'Neill, Board Member and Vice Chair  
Maureen Murtaugh, Board Member  
Matthew Kitsis, Board Member  
Joni Menard, Board Member  
Gene Harkless, Board Member  
Ashley Czechowicz, Administrator  
Nikolas K. Frye, Esq., OPLC Hearings Examiner and Presiding Officer  
John Garrigan, Esq., Hearing Counsel  
Elizabeth Frost, Licensee

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

On 01/03/22, the Board of Nursing (“Board”) received a Speed Memorandum from the National Practitioner Databank (Nursys) alleging that Elizabeth Frost (“Licensee”) had her nursing license in Washington indefinitely suspended and had voluntarily surrendered her license in Arizona. On 01/27/22, after having an opportunity to review the speed memorandum and discuss same in a public meeting, the Board suspended Licensee's license on an emergency basis, pursuant to RSA 541-A:30(III), RSA 326-B:37(IV), and N.H. Code Admin. R., Title Nur 402.03(a) ("Rules"). Pursuant to Rule 402.03(a), a 10-day follow up emergency hearing was held on 02/07/22 at 4:30 pm. This 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, labeled as follows:

1. State of Washington Nursing Care Quality Assurance Commission case number M2020-951, Findings of Fact, Conclusions of Law, and Final Order of Default (Failure to Respond), dated 12/18/20.
2. State of Arizona Board of Nursing Consent for Entry of Voluntary Surrender – Order No. 2021120032, dated 12/14/21.
3. NHPHP Ltr to the Board dated 02/01/22 (labeled as Exhibit 4)

B. Exhibits were submitted by Licensee, labeled as follows<sup>1</sup>:

- a. Police Report
- b. Conviction
- c. Intoxilock Lease
- d. 1<sup>st</sup> ADMIT
- e. SARRTP
- f. AZ Self Report
- g. Arizona State Stipulation Agreement
- h. Return to Work Letter
- i. Narcotics Restriction
- j. Screenshot.jpg
- k. Screenshot.jpg (2)
- l. Screenshot.jpg (3)
- m. WA 2020 Frost Order
- n. NHPHP Monitoring Agreement
- o. 8 5 21 Return to Work Letter
- p. Return to Work Letter (2)
- q. 21 Day In-Patient.jpg
- r. From NHPHP Sep – 2022-02-01 EF
- s. NH BON 2022

B. Testimony was received from:

No testimony was received.

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

On 01/27/22, the Board suspended Licensee's license on an emergency basis. The Board's inquiry at this hearing is limited to whether that temporary suspension should remain in effect, pending any hearing that may occur on allegations of professional misconduct or reciprocal discipline. Pursuant to

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<sup>1</sup> Relabeled to conform with the ordered practice of having Licensee's Exhibits marked by letter and Hearing Counsel's Exhibits marked by number. See Notice of Hearing dated 01/27/22 at par. II(k).

Rule 207.10, Hearing Counsel has the burden of proving, by a preponderance of the evidence, that Licensee's license should remain suspended on an emergency basis, pending full adjudication in this matter. Hearing Counsel moved to admit all his evidentiary exhibits, which was allowed by the Board. The Licensee moved to admit all her evidentiary exhibits, which was allowed by the Board. Both parties elected to proceed on exhibits and argument only. Hearing Counsel argued he believed the evidence insufficient to maintain the temporary suspension. The Licensee requested the temporary suspension be lifted. The credible evidence presented at the hearing allows the Board to find the following facts.

The Licensee currently holds RN license #084140-21. On 01/27/22, the Board suspended her license on a temporary emergency basis due to concerns for apparent ongoing alcohol abuse and actions taken against her RN license in two other jurisdictions in relation to those allegations— namely a suspension pursuant to a default order in the State of Washington, Exh. 1, and a voluntary surrender of license in the State of Arizona. Exh. 2.

An 02/01/22 letter from NHPHP to the Board indicates that the allegations that led to Licensee voluntarily surrendering her license in Arizona were stale. By no fault of the Licensee, the allegations were initially missed by a monitoring program in Arizona and thus reported retroactively to the National Databank only recently. The Licensee then voluntarily surrendered her license. The letter further explains that the Licensee is participating in NHPHP, there are no current concerns, and NHPHP supports her license being reinstated. Exh. 4.

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

After reviewing all the evidence, the Board agrees with Hearing Counsel that he cannot meet his burden of proof by a preponderance of the evidence that the Licensee practicing poses an imminent danger to public health, safety, or welfare. RSA 326-B:37, IV. Exhibit 4, which was not in possession of the

Board at the time the emergency suspension was rendered, makes clear that the Licensee is engaging with NHPHP and doing well. Therefore, the Board's initial concern for ongoing alcohol abuse within the context of being informed of her surrender in Arizona and suspension in Washington no longer warrants the emergency suspension of the Licensee's license in New Hampshire.

**VI. CONCLUSION AND DECISION:**

Pursuant to RSA 326-B:27(IV), and Rule 402.03, the Board hereby vacates the emergency suspension of Elizabeth Frost's license as an RN in New Hampshire as of the date of this order.

DATED: 02/07/22

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