

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

BOARD OF NURSING

**In Re: Nicole Jessica Ferry, LNA
LNA Lic. # 062656-24**

**ORDER OF EMERGENCY
SUSPENSION – 07/28/22**

Docket No.: 2022-NUR-025

I. CASE SUMMARY/PROCEDURAL HISTORY:

On 07/25/22, the Office of Professional Licensure and Certification, Division of Enforcement (OPLC Enforcement) received, on behalf of the Board of Nursing (“Board”), a complaint alleging Nicole Jessica Ferry (“Licensee”) had exploited a nursing home patient where she works for upwards of \$39,000.00. After reviewing a Verified Petition of Emergency Suspension of Licensure Pursuant to RSA 326-b:37, IV and hearing from Michael Porter, Investigations Bureau Chief at OPLC Enforcement, the Board voted at its regularly scheduled 07/28/22 meeting to suspend the Licensee’s license on an emergency basis pursuant RSA 541-A:30(III), RSA 326-B:37(IV), and N.H. Code Admin. R., Title Nur 402.03(a) ("Rules"). 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).

III. EVIDENCE PRESENTED AND FINDINGS OF FACT:

A. Evidence Presented

The Board was presented with a Verified Petition for Emergency Suspension of Licensure Pursuant to RSA 326-b:37, IV and testimony from Michael Porter, Investigations Bureau Chief at OPLC Enforcement. The Board also relied on its expertise in the field it regulates. A review of the evidence presented, and the reasonable inferences taken there from, allows the Board to find the following facts.

B. Findings of Fact

The Licensee is actively licensed as an LNA in the state of New Hampshire. On 07/25/22 OPLC Enforcement received a complaint from Cornerstone VNA alleging that between 04/01/22 and 07/20/22, the Licensee exploited a patient for upwards of \$39,000.00 while working at Cornerstone VNA. The complaint alleged the Licensee accomplished this by taking checks belonging to the patient, making them out to herself, and then endorsing them with the patient's signature. The complaint additionally stated that Cornerstone VNA had been informed BEAS had received a complaint in relation to the accusations. According to the complaint, Cornerstone VNA confronted the Licensee about the complaint. After first denying the allegations, the Licensee eventually confessed to have taken all the \$39,000.00 from the patient for work she had conducted outside of her job at the nursing home. The complaint further alleges the Licensee was terminated by Cornerstone VNA on 07/25/22. Lynne Theuner, LPN, MEd, Program Specialist with OPLC Enforcement confirmed the accusation that the Licensee initially denied taking the money and then admitted to taking it by speaking with Jenette Coutinho, HR Manager at Cornerstone VNA. On 07/27/22, OPLC Enforcement also called the Lee Police Department, which confirmed that a criminal case is open.

IV. CONCLUSIONS OF LAW:

The Board concludes there is a reasonable basis to suspend the Licensee's New Hampshire license on an emergency basis pursuant to RSA 326-B:37, IV. The central facts are straightforward—the Licensee

is alleged to have exploited approximately \$39,000.00 from a patient at a nursing at which she works and admitted to her employer that she took the money. The Licensee's alleged conduct, on its face, appears to be misconduct as defined at RSA 326-B:37, II (e), (h), (m), and/or (q)(2) (*See* Rules 402.04(b)(5), (6), 501.03(c) and (g)), that also warrants immediate emergency suspension of her license pursuant to RSA 326-B:37(IV), pending a follow-up emergency suspension hearing.

V. ORDER:

Pursuant to RSA 541-A:30(III) and 326-B:37(IV), the Board hereby orders the immediate emergency suspension of Nicole Jessica Ferry'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: 7/29/2022

_____/s/ Nikolas Frye_____
Hearings Examiner
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