

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

BOARD OF NURSING

**In Re: Ivan Santiago, LPN
LPN Lic. # 017490-22**

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

Docket No.: 2022-NUR-024

I. CASE SUMMARY/PROCEDURAL HISTORY:

On 07/28/22, the Board of Nursing (“Board”) reviewed a speed memorandum from the National Practitioner Databank (Nursys) alleging that Ivan Santiago (“Licensee”) had entered into a Voluntary Indefinite Suspension Stipulation with the Vermont Board of Nursing regarding his LPN license, after having been accused of making inappropriate and unwanted sexual advances toward female work colleagues while employed as an LPN at a nursing home in Vermont. After reviewing the speed memorandum and the accompanying pleading and Voluntary Indefinite Suspension Stipulation, the Board voted 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 speed memorandum from the National Practitioner Databank (Nursys)¹. 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 LPN in the state of New Hampshire. While working as an LPN at Union House Nursing Home in Glover Vermont, the Licensee is alleged to have made inappropriate and unwanted sexual advances toward two different female work colleagues on separate occasions. The first incident occurred on or about 01/22/22 and involved the Licensee allegedly kissing and biting the victim 1's neck, as well as kissing and biting her breasts and attempting to take off her pants. Victim 1 did not immediately report the allegations but instead avoided being alone with the Licensee. The second incident occurred on or about 02/25/22 and involved the Licensee allegedly attempting to engage Victim 2 in sexual relations against her wishes, grabbing and slapping her buttocks, putting his mouth on one of her breasts, pulling her hair, biting her neck, and choking her. Victim 2 reported the Licensee to the police, and he was arrested in Vermont for that incident. The Licensee has since plead "not guilty" and been released on bail, but the bail conditions do not preclude him from working as a nurse.

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

¹ This included a License Discipline Status for the Licensee, a Discipline Case Summary Report for the Licensee, and an Appendix with attached Board Orders and Pleadings from the State of Vermont, including a 03/07/22 Request for Summary Suspension filed against the Licensee and a 03/15/22 Voluntary Indefinite Suspension Stipulation in Docket No. 2022-32.

is alleged to have made inappropriate and unwanted sexual advances toward female work colleagues while employed as an LPN at a nursing home in Vermont, his bail conditions do not restrict him from working as a nurse, and he is actively licensed in New Hampshire. The Licensee's alleged conduct, on its face, appears to be misconduct as defined at RSA 326-B:37, II (m) and (q)(2) (*See* Rules 402.04(b)(6) and 501.03(c)), 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 Ivan Santiago's license as an LPN, 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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