

**STATE OF NEW HAMPSHIRE
NH BOARD OF NURSING
CONCORD, NH 03301**

In the Matter of:

Docket No.: 2021-ENF-HEATH-1143

Shannon Heath
License #075615-21

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of Nursing, the New Hampshire Board of Nursing ("Board") and Shannon Heath, RN, ("Respondent"), a Registered Nurse licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 326-B: 4, RSA 326-B: 38, RSA 541-A, and Board of Nursing Administrative Rule ("Nur") 207, 208, and 211, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by nurses. Pursuant to RSA 326-B: 38, X, the Board may, at any time dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to practice as a Registered Nurse on May 24, 2017. Respondent holds RN license # 075615-21.
3. The Respondent stipulates that the OPLC-Division of Enforcement ("Division") could present the following evidence at an adjudicative proceeding in this matter:
 - A. On or about November 22, 2021, the Board received a complaint from Romida Sison-Martinez, CNO for SNHMC, alleging that on or about September 26, 2021, Respondent appeared for work as a RN and appeared to be under the

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- influence of an intoxicating substance.
- B. A fitness for duty examination was conducted and it was determined, through laboratory results, Respondent was under the influence of alcohol with a blood alcohol "above the laboratory cutoff norm."
 - C. The Respondent was cooperative with the Division, and on December 9, 2021, the Respondent entered into a Preliminary Agreement Not to Practice ("PANP") pending the outcome of the Division investigation.
 - D. As part of the PANP, the Respondent was required to meaningfully participate with the New Hampshire Professional Health Program ("NHPHP") and abide by all recommendations set forth by the NHPHP.
 - E. On or about December 7, 2021, the Respondent contacted the NHPHP prior to executing the PANP and engaged NHPHP in a 5-year monitoring agreement.
 - F. On or about July 21, 2022, the Division received verification from Dr. Molly Rossignol, Executive Director with NHPHP, that the Respondent has met all the requirements of the NHPHP monitoring agreement and has been compliant 100% of the time.
 - G. The Respondent will continue to engage in the 5-year monitoring agreement with NHPHP expiring on or about December 7, 2026.
- 4. Respondent acknowledges that the conduct above could constitute grounds for the Board to impose disciplinary sanctions against her license to practice in this State.
 - 5. The Board finds that by engaging in such conduct, Respondent has violated RSA 326-B: 37, II(p)(1).

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6. Respondent consents to the Board imposing the following discipline pursuant to RSA 326-B: 37, III:
 - A. The Respondent is hereby **REPRIMANDED** by the NH Board of Nursing.
 - B. The Respondent shall be subject to a period of **PROBATION**. The period of probation shall last until such date as the Respondent has completed her existing Monitoring Agreement with NHPHP. During this probationary period, the following terms shall apply:
 - 1) The Respondent shall not engage in any form of professional misconduct;
 - 2) The Respondent shall comply with all directives, treatment, recommendations, and terms of her existing NHPHP Monitoring Agreement and as otherwise ordered by NHPHP; and
 - 3) Respondent shall provide a copy of this *Settlement Agreement* to any supervisor within 10 days of obtaining employment within her licensed scope of practice, or, if already so employed, within 10 days of the effective date of this agreement.
7. Respondent's breach of any terms of conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 326-B: 37, II (h), and a separate and sufficient basis for further disciplinary action by the Board.
8. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may

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consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.

9. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
10. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to her other than those terms and conditions expressly stated herein.
11. Respondent understands that her action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
12. Respondent has had the opportunity to seek and obtain the advice of an attorney of her choosing in connection with his decision to enter into this agreement.
13. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to, or by, the Board involving its review of this *Settlement Agreement* have prejudiced her right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
14. Respondent is not under the influence of any drugs or alcohol at the time she signs this *Settlement Agreement*.
15. Respondent certifies that she has read this document titled *Settlement Agreement*.
16. Respondent understands that she has the right to a formal adjudicatory hearing

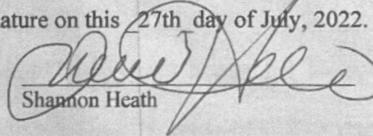
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concerning this matter and that at said hearing she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, she waives these rights as they pertain to the misconduct described herein.

17. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

FOR RESPONDENT

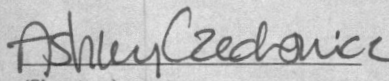
IN WITNESS WHEREOF, I hereby affix my signature on this 27th day of July, 2022.


Shannon Heath

FOR THE BOARD/*

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: 7/28/22


(Signature)
Ashley Czuchowicz
(Print or Type name)
Authorized Representative of the
New Hampshire Board of Nursing