

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

BOARD OF NURSING

**In Re: Felicia LeBrun,
LNA Lic. #055250-24**

Docket No.: 2022-NUR-015

**ORDER OF EMERGENCY
SUSPENSION - 05/26/22**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On or about 05/12/22, the Office of Professional Licensure and Certification (“OPLC”) received, on behalf of the New Hampshire Board of Nursing (“Board”), a letter from New Hampshire Professionals Health Program (“NHPHP”) alleging that Felicia LeBrun (“Licensee”) had violated terms of her substance use monitoring agreement, which was implemented pursuant to the terms of Board disciplinary action taken against the Licensee on or about 02/27/20. The alleged concerns include that Licensee 1) is actively seeking employment and has not, pursuant to the terms of the monitoring agreement, provided any information in relation to same to NHPHP; 2) recently admitted to using alcohol and had a positive drug screen; and 3) has missed at least one of her random drug tests. On 05/26/22, the Board held an emergency meeting during its public session pursuant to RSA 541-A:30(III), RSA 326-B:37(IV), and N.H. Code Admin. R., Title Nur 402.03(a) (“Rules”).

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.

On 05/26/22, Nikolas Frye, Esq., OPLC Hearings Examiner, acted as presiding officer under N.H. Code Admin. R. Nur Rule 202.01(l) and 208.01(b)(“Rules”).

II. EVIDENCE PRESENTED AND CONDUCT OF HEARING:

The Board was presented with 1) a 05/12/22 Letter from NHPHP; 2) a 3/20/20 New Hampshire Professionals Health Program Monitoring Agreement – Board of Nursing Mandated; and 3) a 04/19/22 letter from NHPHP. The Board also took administrative notice of its own record for In Re: Felicia LeBrun, docket # NUR 20-0206-0613-NA. A review of the evidence presented, and the reasonable inferences taken therefrom, allows the Board to find as follows.

The Licensee is actively licensed in New Hampshire as Licensed Nursing Assistant (“LNA”) with license number #084140-21. On 02/27/20 the Board made a finding of professional misconduct against the Licensee based in part upon findings of fact that the Licensee had sold and used illicit substances on multiple occasions. As part of the disciplinary sanctions the Board levied in relation to the finding of professional misconduct, the Licensee was required to participate in NHPHP and sign a Monitoring Agreement. The Licensee was also suspended “until the Board makes a final decision to lift the suspension after review of recommendations of the alternative Recovery Monitoring Program (NHPHP) and with Respondent’s adherence to the treatment plan.” Dec. and Ord. 02/28/20. After a hearing on 02/25/21, the Licensee was eventually reinstated but remained subject to the terms of her Monitoring Agreement, which are still in effect.

On 04/19/22 the Board received a letter from NHPHP informing that the Licensee had tested positive for an illicit substance and admitted to alcohol use. NHPHP explained that the Licensee had agreed not to work as an LNA and was cooperating with NHPHP, so the Board took no action. In a follow-up letter from NHPHP dated 05/12/22 the Board learned that the Licensee had since missed at least one random drug screen and was applying for nursing positions and not responding to inquiries from NHPHP. NHPHP expressed concern for the Licensee’s behavior because she is not following her monitoring agreement.

III. DISCUSSION AND FINDINGS OF FACTS / CONCLUSIONS OF LAW:

The Board finds there is a reasonable basis to suspend the Licensee’s New Hampshire license on an emergency basis. There are sufficient facts to prove that the Licensee poses an imminent threat to the public health, safety, or welfare—namely that the Licensee, who has a substance use history, is not complying with her NHPHP monitoring program, is displaying behavior consistent with current substance use, and is actively applying for nursing assistant positions without staying in communication with NHPHP. The Licensee's conduct on its face, especially when viewed in the context of her disciplinary history, warrant immediate emergency suspension pursuant to RSA 541-A:30(III) and RSA 326-B:37(IV).

IV. CONCLUSION AND DECISION:

Pursuant to RSA 541-A:30(III) and 326-B:37(IV), the Board hereby orders the immediate emergency suspension of Felicia LeBrun'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: 5/31/2022

_____/s/ Nikolas Frye, Esq._____
Hearings Examiner
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