

**OCCUPATIONAL THERAPY GOVERNING BOARD  
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION  
ALLIED HEALTH PROFESSIONALS  
Philbrook Building, 121 South Fruit Street, Suite 303  
Concord, New Hampshire 03301**

**In The Matter Of:**

**Docket #01-2018**

**J'Me Courtemanche, OT  
License No 1641  
(Adjudicatory Proceedings)**

**DECISION AND ORDER**

By the Board: Olivia Freeman, OT, Presiding Officer, Patricia Gruttemeyer, Public Member, Nicole Quartulli, OTA, Sarah Hinkley, OT, Margaret Flinton, OT

Also present: Tina M. Kelley, Administrator to the Board

Appearances: Attorney Michelle Heaton  
Attorney Catherine L. Baumann  
J'Me Courtemanche  
Attorney Thomas Broderick

J'Me M. Courtemanche, OT ("Respondent"), holds an active license, No. 1641, issued on January 21, 2003, to work as an occupational therapist in the State of New Hampshire. Respondent works as an occupational therapist at Woodlawn Health Care in Newton, New Hampshire.

Based on an investigation conducted by the Administrative Prosecutions Unit and after review of the Report of Investigation, dated November 1, 2017, the Board voted, on January 3, 2018, to issue a Notice of Hearing, to resolve allegations of misconduct. Ms. Courtemanche requested a continuance of the Hearing on February 16, 2018 which was granted by the Board on February 22, 2018.

The Administrative Prosecutions Unit investigators then received additional information indicating that the continued practice of occupational therapy by Respondent posed an imminent threat to public health, safety and/or welfare. After conducting an investigation into the information they generated another Report of Investigation. After reviewing the Report of Investigation, the Board voted to issue an emergency license suspension, as authorized by RSA 328-F:26 and RSA 541-A:30, III.

An adjudicatory hearing commenced on March 26, 2018, the specific issues to be determined included:

- A. Whether or not and to what extent Ms. Courtemanche engaged in professional misconduct by improperly possessing controlled substances which if proven would be a violation of RSA 328-F:23, II (c) and/or (j) and RSA 318-B:2, I; and/or
- B. Whether or not and to what extent Ms. Courtemanche engaged in professional misconduct by improperly documenting the care actually provided to patients which if proven would be a violation of RSA 328-F:23, II (c), Occ 502.01 (a), and the Occupational Therapy Code of Ethics; and/or
- C. Whether or not and to what extent Ms. Courtemanche engaged in professional misconduct by failing to maintain competency in the field which if proven would be a violation of RSA 328-F:23, II (c), Occ 502.01 (a), and the Occupational Therapy Code of Ethics; and
- D. Whether or not and to what extent Ms. Courtemanche engaged in professional misconduct by stealing money which if proven would be a violation of RSA 328-F:23, II (c) and/or (j), Occ 502.01 (a), and the Occupational Therapy Code of Ethics; and/or

- E. Whether or not and to what extent Ms. Courtemanche engaged in professional misconduct by failing to maintain professional boundaries with patients which if proven would be a violation of RSA 328-F:23, II (c) and/or (j), Occ 502.01 (a), and the Occupational Therapy Code of Ethics; and/or
- F. Whether or not and to what extent Ms. Courtemanche engaged in professional misconduct by practicing while impaired and/or failing remedy medical issue that affected her ability to practice which if proven would be a violation of RSA 328-F:23, II (c) and/or (j), Occ 502.01 (a), and the Occupational Therapy Code of Ethics; and/or
- G. Whether or not and to what extent Ms. Courtemanche engaged in professional misconduct by testing positive for marijuana which if proven would be a violation of RSA 328-F:23, II (f); and/or
- H. If any of the above allegations are proven, whether and to what extent, Respondent should be subjected to one or more of the disciplinary sanctions authorized by RSA 328-F:23, IV.

At the hearing the Board reviewed numerous exhibits. The following exhibits were entered into evidence:

**Hearing Counsel's Exhibits:**

Exhibit #1 – Letter from J'Me Valley (maiden name) to the board received July 21, 2016

Exhibit #2 – Letter from Kristen Sgrosso to the Board dated July 28, 2016

Exhibit #3 – Letter from the Board to J'Me Courtemanche dated October 24, 2016

Exhibit #4 – Letter from J'Me Courtemanche to the Board received March 1, 2017

Exhibit #5 – Greenbriar Terrace Healthcare (“GTH”) OT Daily Treatment Notes Patient HN 1.29.17 thru 2.11.17

Exhibit #6 – GTH Individual Learning History for J'Me Valley from 1.1.16 thru 2.9.17

Exhibit #7 – GTH Time Sheets for J'Me Valley January and February, 2017

- Exhibit #8 – GTH Medication Records and Progress Notes for Patient JC
- Exhibit #9 – Affidavit of Ann Cottrell with attached diagram
- Exhibit #10 – GTH Investigation Summary dated December 19, 2016
- Exhibit #11 – Quality Review Summary from Laconia Rehabilitation Center dated June 23, 2016
- Exhibit #12 – Laconia Rehabilitation Center – J'Me Valley Employee Labor Log 1.1.16 thru 5.1.16
- Exhibit #13 – Written statement of Jesse Ingram, LPN dated February 24, 2016
- Exhibit #14 – Written statement of Tiffany Drouin, LPN dated February 22, 2016
- Exhibit #15 – Written statement of Tiffany Drouin, LPN dated February 23, 2016
- Exhibit #16 – Written statement of Kalyn Fletcher dated February 23, 2016
- Exhibit #17 – Sign in sheet for Room 44 for dates February 23, 2016 through April 5, 2016
- Exhibit #18 – Written statement of Tiffany Drouin, LPN dated March 8, 2016
- Exhibit #19 – Written statement of J'Me Valley, OT dated March 8, 2016
- Exhibit #20 – Written statements of other staff at LRC dated March 8, 2016
- Exhibit #21 – Written statement of Jenna Pancoast dated April 27, 2016
- Exhibit #22 – Written statement of J'Me Valley dated April 27, 2016
- Exhibit #23 – Written statement of Leigh Foley dated April 27, 2016
- Exhibit #24 – GTH Investigation Summary dated February 6, 2017
- Exhibit #25 – Written statement of J'Me Courtemanche dated December 19
- Exhibit #26 – Written Statement of Janet Denis, OT dated December 19, 2016
- Exhibit #27 – Written statement of Amy Siemanowicz, RN dated December 19, 2016
- Exhibit #28 – Education sheet signed by J'Me Courtemanche dated December 21, 2016
- Exhibit #29 – Drug screen for J'Me Courtemanche dated February 1, 2018
- Exhibit #30 – Woodlawn Care Center Grievance Form dated January 30, 2018
- Exhibit #31 – Nurse Notes by Tammy Marsh, LPN, dated January 30, 2018
- Exhibit #32 – Woodlawn Care Center Grievance Form dated February 2, 2018, with attachments
- Exhibit #33 – Newport Police Report dated February 2, 2018

Exhibit #34 – Labor Log from Encore for J'Me Courtemanche from May 1, 2017 through January 26, 2018

Exhibit #35 – Employee Labor Log from Encore for J'Me Courtemanche from December 1, 2017 through February 21, 2018

Exhibit #36 – Notes of Encore Speech-Language Pathologist regarding missing money and odd incidents

Exhibit #37 – Handwritten notes of Doreen Stoodley

Exhibit #38 – Incident Report for Patient dated November 8, 2017

Exhibit #39 – Typed notes dated December 21, 2017

Exhibit #40 – Newport Police Report dated June 5, 2017

Exhibit #41 – Patient 2 medical records for April 27, 2016

Exhibit #42 – American Medical Association code descriptions for CPT 2010

Exhibit #43 – Undated written statement of Cristy Ryba, LNA

Exhibit #44 – Letter from John Allard, Senior Administrator to Michelle Heaton dated February 1, 2018

**Courtemanche Exhibits:**

Exhibit A – Letter from Ioan C. Badau, MD dated January 11, 2018

Attorney Michelle Heaton called the following witnesses:

Robert Freitas, Investigator at the Department of Justice, Attorney General's Office – Mr. Freitas testified that he had investigated missing fentanyl patches at Laconia Elder Care. Mr. Freitas had obtained a packet of information from Laconia Elder Care which contained reports, statements from various employees, and other pertinent documents. He did not interview any of the individuals who provided statements about the various incidents personally. Mr. Freitas testified about the correlation between Ms. Courtemanche's whereabouts and the rooms where the fentanyl patches went missing. Mr. Freitas acknowledged that there were no exhibits directly linking Ms. Courtemanche to the February 22, and 23 incidents. Ms. Courtemanche was sent to another Genesis facility and after that date there are no more known incidents of Fentanyl patches going missing.

Linda Bartlett, Investigative Paralegal for the Administrative Prosecutions Unit. Ms. Bartlett testified that she reviewed documents and listened to interviews regarding Woodlawn Nursing Home. During one instance where a fentanyl patch went missing Ms. Courtemanche was seen on video entering a patient's room when she was supposed to be with a different patient in a different building. She indicated that at the time Ms. Courtemanche provided services and billed for those services of another patient in another part of the building. When speaking with Ms. Courtemanche she indicated that the reason she had been in the patient rooms was because the patient was yelling for someone to help her and she went in to see what the patient wanted and assisted her in dressing.

In another instance fentanyl patches seemed to be tampered with by cutting out the center of the patch. At the time another employee who was suspected of tampering with the patches but when that employee left Woodlawn Nursing Home fentanyl patches still when missing.

Ms. Bartlett further testified to various documents showing dates and times fentanyl patches went missing and the labor logs showing where Ms. Courtemanche was in relation to those patients.

Ms. Bartlett went over a document showing Ms. Courtemanche had a positive drug screen which indicated marijuana. Attorney Baumann stipulated to the information outlined on page 7, BB. Of the Order of Emergency License Suspension and Notice of Hearing which describes that test. There was no drug screen that showed fentanyl in Ms. Courtemanche's system.

Ms. Bartlett then described allegations regarding the theft of money from a patient, the wife of a patient and a co-worker. On all three events Ms. Courtemanche was in close proximity to where the event was alleged to have taken place but there was no direct evidence to positively identify Ms. Courtemanche as the person who had taken the money.

There were statements from employees describing odd behavior exhibited by Ms. Courtemanche. The behavior described was her eyes rolling back in her head, she appeared to be falling asleep, excessive twirling in her chair, and inattentive during conversations. On one occasion Ms. Courtemanche indicated she was in severe pain by groaning in agony. This event prompted coworkers to call 911. Ms. Courtemanche stated that in the event of her appearing to

be falling asleep that she had not gotten much rest the night before, she had a neurological condition, and kidney stones. She indicated that she was going to have a MRI done but she didn't end up going because she did not trust the doctor that was going to be performing the MRI.

J'me Courtemanche was called as the next witness and testified providing information on her work history and what types of continuing education she had taken to fulfil the requirements for renewal of her license. After approximately 1 year she was terminated from Laconia Rehabilitation Center for billing issues and the way she wrote her treatments notes. She stated that she had provided all the services she had billed for.

She explained that the times showing on the billing records did not accurately reflect the completion of the treatment but were actually the time when she opened the note and saved it. She would input additional notes later but would not reflect the time she added those notes. She testified she did the best she could taking into consideration the pressure she was under to meet productivity while completing patient care. She was not aware that there were any billing issues.

Ms. Courtemanche explained why she went into the patient room at Laconia Rehabilitation. In the past if she heard someone yelling for help she was required to stop and help. She explained that she was in the area because she was getting a special cup for the patient she was working with. She entered the room and the patient was upset and needed help getting dressed. She stated she assisted the woman and it only took 3 to 4 minutes. This patient was not an never was on Ms. Courtemanche's case load. She immediately went back to her patient without the cup because she was gone too long at that point. Her original patient was continuing the tasks she had given her before she left.

She testified that she was not aware that when she billed it was for one on one care and she could not leave the patient to get something to continue their treatment. It would be impossible not to have to leave a patient to obtain additional items to assist in the care.

Ms. Courtemanche described her knowledge of billing codes and was not aware that billing required she provide one on one direct contact. She stated that things are different at different facilities. She asked several questions about billing when asked to describe billing requirements.

While working at Greenbriar Terrace a patient specifically accused Ms. Courtemanche of stealing her fentanyl patch. Ms. Courtemanche explained that she found the patient chewing on

a patch and the patient had a patch already on her body. She explained that she did not report this to the nurse because the nurses were in a meeting and could not disturb them. She also stated that the patient accused her before she had a chance to report the incident. She was sent home while an investigation was completed. She does not know what happened to the patch but she indicated that it was found and she reported back to work a few days later. This patient was not on her case load. She was provided training after the incident.

Ms. Courtemanche explained that the blurred speech, her eyes rolling back in her head, and nodding off was caused by Intracranial Hypertension for which she was receiving treatment. She did not realize it was happening until informed by co-workers. She made an appointment for an MRI but ended up canceling that appointment because she woke up sick the day the MRI was scheduled for.

Ms. Courtemanche testified about sharing personal information with patients and coworkers. She told a patient that she had to have her car repaired and it would cost over \$500.00. She also shared her financial difficulties with her co-workers. It was difficult starting over every time she was let go from a place of employment. Some co-workers helped her out with Christmas and by lending her money.

Ms. Courtemanche when asked stated that she did not take any patches or any money that whet missing. There were many employees of the facilities such as housekeeping, visitor's dietary aids, and other patients that would go in and out of those rooms and there was not anyone waiting the rooms continuously.

**Applicable Laws:**

RSA 328-F:23, II:

Misconduct sufficient to support disciplinary proceedings shall include:

- (c) Violation of the ethical standards adopted by the governing board.
- (f) Actual or potential inability to render care with reasonable skill and safety by reason of illness, by reason of use of alcohol or drugs or any other material, or by reason of mental or physical condition.



- (j) Violation of any provision of this chapter, of any governing board's practice act or rule adopted pursuant to RSA 541-A, or of any state or federal law reasonably related to the licensee's authority to practice or ability to practice safely.

RSA 328-B:2, I

Acts Prohibited.

I. It shall be unlawful for any person to manufacture, possess, have under his control, sell, purchase, prescribe, administer, or transport or possess with intent to sell, dispense, or compound any controlled drug, or controlled drug analog, or any preparation containing a controlled drug, except as authorized in this chapter.

Occ 502.01(a)

The ethical standards binding licensed occupational therapists and occupational therapy assistants shall be the Occupational Therapy code of Ethics adopted and copyrighted in 2015 by The American Occupational Therapy Association, Inc. as modified in (b below, and available as noted in Appendix II.

**Findings of Fact and Rulings of Law:**

In light of the evidence the Board made the following findings of fact and rulings of law:

- With regards to Ms. Courtemanche engaging in professional misconduct by improperly possessing controlled substances the Board finds that although there was a great deal of circumstantial evidence there was no verifiable evidence to show that she was in possession of any of the missing controlled substances.
- With regards to Ms. Courtemanche engaging in professional misconduct by improperly documenting the care actually provided to patients. By Ms. Courtemanche's own admission she left patient 1 and aided patient 2, watched continuing education videos while treating patients, and was not in the line of sight for patients she was treating while billing for those services. The Board finds that Ms. Courtemanche did improperly document the care actually provided to patients in violation of RSA 328-F:23, II (c), Occ 502.01 (a), and the Occupational Therapy code of Ethics.

- With regards to Ms. Courtemanche failing to maintain competency. Ms. Courtemanche admits that she did not understand billing practices, she assisted other patient who were not her own, and did not seek training when she knew she was struggling with billing for the services rendered. The Board finds that Ms. Courtemanche did not maintain competency in the field of Occupational Therapy in violation of RSA 328-F:23, II (c), Occ 502.01 (a), and the Occupational Therapy code of Ethics.
- With regards to stealing money from patients and co-workers although there is a great deal of circumstantial evidence there was no verifiable evidence to show that Ms. Courtemanche took the missing money.
- With regards to Ms. Courtemanche failing to maintain professional boundaries with patients. Ms. Courtemanche stated that she communicated with patients about her financial difficulties and hardships stemming from those difficulties. The Board finds that Ms. Courtemanche failed to maintain professional boundaries in violation of RSA 328-F:23, II (c) and (j), Occ 502.01 (a), and the Occupational Therapy code of Ethics;
- With regards to Ms. Courtemanche practicing while impaired and/or failing to remedy medical issues that affected her ability to practice. Ms. Courtemanche admitted to having Nero pressure Hydrocephalus (intracranial pressure) in addition the Board finds both Exhibit 36 and 37 to be credible. The Board finds that Ms. Courtemanche did practice impaired by failing to remedy medical issues that affected her ability to practice in violation of RSA 328-F:23, II (c) and (j), Occ 502.01 (a), and the Occupational Therapy code of Ethics;
- With regards to Ms. Courtemanche testing positive for marijuana the Board finds that Ms. Courtemanche engaged in professional misconduct by testing positive in violation of RSA 328-F:23, II(f).

Based upon the findings of fact and rulings of law the Board finds sufficient evidence that Ms. Courtemanche violated the laws and rules of the State of New Hampshire. After considering all the evidence and taking into account Ms. Courtemanche's testimony the Board rules as follows:

THEREFORE IT IS ORDERED, that Ms. Courtemanche's license to practice as an Occupational Therapist in the State of New Hampshire be **SUSPENDED** conditioned on the below, pursuant to RSA 328-F:23, IV (c) and (d).

IT IS FURTHER ORDERED, Ms. Courtemanche proved the Board with a report from a New Hampshire licensed Neurologist showing the completion of a full evaluation of her physical and cognitive competencies. When appropriate a clearance from the Neurologist who completed the evaluation that Ms. Courtemanche is safe to practice as an Occupational Therapist and what if any recommendations must followed for her to remain safe to practice.

IT IS FURTHER ORDERED, that Ms. Courtemanche is fined \$500 to be paid within 90 days of the date of this Order.

IT IS FURTHER ORDERED, that Ms. Courtemanche take and successfully complete a course on Ethics and Professionalism in the work place and a course in billing as follows:

1. Each course shall be at least 2 hours in duration.
2. Within 60 days of the date of this Order Ms. Courtemanche shall submit 3 courses on each of the two topics for pre-approval by the Board.
3. Once the Board has provided Ms. Courtemanche with a letter stating which courses were approved she will take and successfully complete one of those courses within 90 days of the date of the letter.
4. Proof of having successfully completed the course shall be submitted to the Board within 30 days of completion.

IT IS FURTHER ORDERED, that Ms. Courtemanche shall submit to random drug testing. Random testing shall occur on a monthly basis while Ms. Courtemanche's license is under suspension. Should a test be positive for any controlled drug not taken as a prescription, Ms. Courtemanche shall immediately obtain a hair follicle test. All drug tests and any necessary hair follicle tests shall be submitted to the Board directly from the drug testing company.

IT IS FURTHER ORDERED, that if the hair follicle test is positive for any controlled drug not taken as a prescription, Ms. Courtemanche's license shall be revoked.

IT IS FURTHER ORDERED, upon written request from Ms. Courtemanche, the Board will reconsider the suspension of her license when she completes the requirements listed above.

IT IS FURTHER ORDERED, that upon reinstatement of Ms. Courtemanche's license she will practice under supervision for at least 6 months as follows:

1. The supervisor will be licensed in the State of New Hampshire and that license shall not be under investigation or restriction.
2. The supervisor will be preapproved by the Board.
3. The supervisor shall monitor Ms. Courtemanche's ethical decision making and billing practices.
4. The supervision shall be at least 25% direct supervision with the remaining percentage of supervision being indirect.
5. The supervisor will provide the Board with a report every 60 days for a total of three reports. The reports will provide the Board with information on ethical decision making, billing habits, the amount of time spent under direct and indirect supervision, the setting of the supervision, and any additional information the supervisor feels the Board should know to make decisions about Ms. Courtemanche's future practice.

IT IS FURTHER ORDERED, that Ms. Courtemanche engage in an additional six (6) hours of education per year for the next two (2) years, all of which shall be related to billing.

IT IS FURTHER ORDERED, that after the reinstatement of Ms. Courtemanche license she shall submit to random drug testing. Random testing shall occur at least once every two months. Should a test be positive for any controlled drug not taken as a prescription, Ms. Courtemanche shall immediately obtain a hair follicle test. All drug tests and any necessary hair follicle tests shall be submitted to the Board directly from the drug testing company.

IT IS FURTHER ORDERED, that if the hair follicle test is positive for any controlled drug not taken as a prescription, Ms. Courtemanche's license shall be revoked.

IT IS FURTHER ORDERED that Ms. Courtemanche shall bear all costs of complying with the terms of this Decision and Order, but she shall be permitted to share such costs with third parties.

IT IS FURTHER ORDERED that the Board may consider Ms. Swift's compliance with the terms and conditions herein in any subsequent proceeding before the Board.

IT IS FURTHER ORDERED, that within fifteen (15) days of the effective date of this Decision and Order Ms. Courtemanche shall furnish a copy of this Decision and Order to any current employer for whom she performs services as an Occupational Therapist and to any agency or authority which licenses, certifies or credentials Occupational Therapists, with which Ms. Courtemanche is presently affiliated.

IT IS FURTHER ORDERED, that Ms. Courtemanche furnish a copy of this Decision and Order to any employer for whom she performs services as an Occupational Therapist and/or agency, or authority with which Ms. Courtemanche is affiliated which licenses, certifies or credentials Occupational Therapists for one year from the effective date of this Decision and Order.

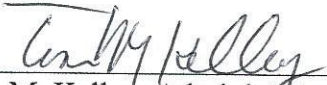
IT IS FURTHER ORDERED that Ms. Courtemanche's breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Ms. Courtemanche's file, which is maintained by the Board as a public document.

IT IS FURTHER ORDERED that this Decision and Order shall take effect as a final Order of the Board on the date it is signed by an authorized representative of the Board.

BY ORDER OF THE BOARD

Date: April 25, 2018

  
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Tina M. Kelley, Administrator  
Authorized Representative of the  
Occupational Therapy Governing Board