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**State of New Hampshire
Board of Nursing
Concord, New Hampshire**

In the Matter of:
Lisa Lucas, RN
License No. 0001164450 - Virginia
(Adjudicatory Proceedings)

Docket No. 15-0601-0481

**ORDER OF EMERGENCY SUSPENSION OF PRIVILEGE TO PRACTICE
AND NOTICE OF HEARING**

1. RSA 326-B:37, IV; RSA 326-B:46, III(c); RSA 541-A:30, III, and New Hampshire Board of Nursing Administrative Rule (“Nur”) 402.03 authorize the New Hampshire Board of Nursing (“Board”) to take adverse action including suspension of a nurse’s privilege to practice within New Hampshire pending completion of an adjudicatory proceeding, in cases involving imminent danger to public health, safety and/or welfare. In such cases, the Board must commence a hearing not later than 10 working days after the date of the emergency order. If the Board does not commence the hearing within 10 working days, the suspension order shall be automatically vacated. *See*, RSA 326-B:37, IV and 541-A:30, III. No hearing date established in this proceeding shall be postponed at the request of the nurse unless the nurse agrees in writing to waive the 10-working day requirement. If the nurse waives the 10-working day requirement, the suspension shall remain in effect until the completion of the hearing. *See* RSA 326-B:37, IV and Nur 402.03(c).

2. Lisa Lucas, RN (“Ms. Lucas” or “Respondent”) holds an active RN license in Virginia, No. 0001164450 issued on July 15, 1999. Respondent’s current Virginia license will expire on July 31, 2015.

3. The Board has received information indicating that the continued practice of nursing by Respondent poses an imminent threat to public health, safety and/or welfare, which warrants the temporary suspension of Respondent’s privilege to practice nursing in New Hampshire pending a hearing on whether permanent and/or temporary disciplinary sanctions should be imposed. A preliminary investigation was conducted and a Report of Investigation was provided to the Board.

4. In support of this *Order of Emergency Suspension of Privilege to Practice and Notice of Hearing*, the Board alleges the following facts:

A. In April and May 2015, Respondent was working as a travel nurse assigned to the Intensive Care Unit (“ICU”) of Portsmouth Regional Hospital.

- B. On May 29, 2015, Krystal Atkinson, Interim Chief Nursing Officer for Portsmouth Regional Hospital filed a complaint with the Board alleging that Lisa Lucas, RN diverted controlled substances.
- C. A Rx Auditor Report indicated that Respondent was >5 standard deviations above the mean for Fentanyl use in the ICU. Her actual score was 6.57.
- D. Ann Williams, RPH, MBA, MBE, Director of Pharmacy reviewed all Fentanyl transactions by Respondent in April 2015.
- E. Ms. Williams reported that Respondent had approximately ten (12) vials that she removed but had no documented waste, return, or administration.
- F. Ms. Williams conducted a preliminary review of Respondent's Fentanyl transactions for May 2015 and discovered an additional twelve (12) vials of Fentanyl that was unaccounted for in Respondent's documentation.
- G. Ms. Williams also reported that additional medications unaccounted for in Respondent's documentation for April and May 2015 included Meperidine, Hydromorphone, and Lorazepam.
- H. On or about May 20, 2015, Cynthia Fielders, RN, Director of ICU for Portsmouth Regional Hospital and Nancy Lightbody, VP of Human Resources met with Respondent to review Ms. Williams's findings.
- I. Respondent admitted that she had "sloppy nursing practices surrounding documentation and wasting of narcotics."
- J. Respondent also admitted that she had tested positive for THC in the past and had smoked marijuana a "few days ago".
- K. Respondent stated she had a prescription for Vicodin and if she consented to having a drug test, she would test positive for opiates.
- L. Ms. Fielders informed Respondent that as long as she had a legitimate prescription, testing positive for Vicodin would not "be a problem".
- M. Respondent refused to have a drug test.
- N. Investigation into the allegations against Respondent is ongoing.

5. Based upon the above information, the Board finds that the case involves imminent danger to public health, safety and/or welfare. Further, the Board believes there is a reasonable basis for both immediately suspending Respondent's privilege to practice in New Hampshire on a temporary basis, and for commencing an expedited disciplinary proceeding against Respondent pursuant to RSA 326-B:37, IV and Nur 402.03.

6. The purpose of this proceeding will be to determine whether Respondent has engaged in professional misconduct contrary to RSA 326-B:37, II and/or Nur 402.04(b), which warrants the revocation of Respondent's privilege to practice in New Hampshire under the provisions of RSA 326-B:37, RSA 326-B:46 and RSA 541-A:30, III and/or the imposition of permanent disciplinary sanctions. The specific issues to be determined in this proceeding are:

- A. Whether in April 2015 Respondent diverted or attempted to divert controlled drugs in violation of RSA 326-B:37, II (n); and/or
- B. Whether in April 2015, Respondent committed professional misconduct by failing to properly document and/or waste drugs or controlled substances in violation of RSA 326-B:37, II (p)(2) and/or (e) and/or (h)(1) and/or (k) and/or (l) and/or Nur 402.04(b)(10) and/or (11); and/or
- C. Whether in April 2015, Respondent demonstrated a pattern of behavior that is incompatible with the standards of practice in violation of Nur 402.04(b)(17); and/or
- D. Whether Respondent used a controlled substance or any drug to an extent or in a manner dangerous or injurious to herself, any other person, or the public, or to the extent that such use may impair her ability to conduct with safety to the public the practice of nursing in violation of RSA 326-B:II (p)(1); and/or
- E. 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 326-B:37, III, RSA 326-B:46 and/or Nur 402.04 (i).

7. While RSA 326-B:37, IV requires that the Board furnish Respondent at least 15 days' notice of allegations of professional misconduct and the date, time and place of an adjudicatory hearing, RSA 326-B:37, IV, RSA 541-A:30, III and Nur 402.03 require the Board to commence an adjudicatory hearing within ten (10) working days after the date of an immediate, temporary suspension order has issued under circumstances involving imminent danger to public health, safety or welfare.

THEREFORE, IT IS ORDERED that Respondent's privilege to practice nursing in New Hampshire is immediately suspended until further order of the Board pursuant to RSA 326-B:37, IV, RSA 326-B:46 and RSA 541-A:30, III; and,

IT IS FURTHER ORDERED that an adjudicatory proceeding be commenced for the purpose of resolving the issues articulated above pursuant to RSA 326-B:37, III; RSA 541-A:30, III; and Nur 402.03. To the extent that this order or the Board's rules do not address an issue of procedure, the Board shall apply the New Hampshire Department of Justice Rules, Part 800; and,

IT IS FURTHER ORDERED that Respondent shall appear before the Board on June 18, 2015 at 10: AM, at the Board's office located at 121 South Fruit St., Concord, N.H., to participate in an adjudicatory hearing and, if deemed appropriate, be subject to sanctions pursuant to RSA 326-B:37, III, RSA 326-B:46 and Nur 402.04 (i); and,

IT IS FURTHER ORDERED that if Respondent elects to be represented by counsel, at Respondent's own expense, said counsel shall file a notice of appearance at the earliest date possible; and,

IT IS FURTHER ORDERED that Respondent's failure to appear at the time and place specified above may result in the hearing being held *in absentia*, or the imposition of disciplinary sanctions without further notice or an opportunity to be heard, or both; and,

IT IS FURTHER ORDERED that Laurel A. O'Connor, 33 Capitol Street, Concord, N.H., 03301 is appointed to act as Hearing Counsel in this matter with all the authority within the scope of RSA Chapter 326-B and RSA 541-A to represent the public interest. Hearing Counsel shall have the status of a party to this proceeding; and,

IT IS FURTHER ORDERED that Robert Duhaime, RN, Board Chair, or any other person whom he may designate, shall act as presiding officer in this proceeding; and,

IT IS FURTHER ORDERED that any proposed exhibits, motions or other documents intended to become part of the record in this proceeding, be filed by the proponent with the Board, in the form of an original and twelve (12) copies, and with an additional copy mailed to any party to the proceeding, and to Brian Buonamano, Counsel to the Board, N.H. Department of Justice, 33 Capitol Street, Concord, New Hampshire 03301. All responses or objections to such motions or other documents are to be filed in similar fashion within ten (10) days or as soon as possible upon receipt of such motion or other document unless otherwise ordered by the Board; and,

IT IS FURTHER ORDERED that a witness and exhibit list and any proposed exhibits, pre-marked for identification only, shall be filed with the Board no later than three (3) days before the date of the hearing. Respondent shall pre-mark her exhibits with capital letters, and Hearing Counsel shall pre-mark her exhibits with Arabic numerals; and,

IT IS FURTHER ORDERED that unless good cause exists, all motions shall be filed at least three (3) days before the date of any hearing, conference, event or deadline which would be affected by the requested relief, except any motion seeking to postpone a hearing or conference, which shall be filed at least ten (10) days or as soon as possible before the hearing or conference in question; and,

IT IS FURTHER ORDERED that the entirety of all oral proceedings be recorded verbatim by the Board. Upon the request of any party made at least ten (10) days or as soon as possible prior to the proceeding or conference or upon the Board's own initiative, a shorthand court reporter shall be provided at the hearing or conference and such record shall be transcribed by the Board if the requesting party or agency shall pay all reasonable costs for such transcription; and,

IT IS FURTHER ORDERED that all documents shall be filed with the Board by mailing or delivering them to Denise Nies, BSN, RN, BC, Executive Director, N.H. Board of Nursing, 121 South Fruit St., Concord, New Hampshire 03301; and

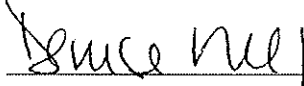
IT IS FURTHER ORDERED that routine procedural inquiries may be made by contacting Denise Nies, Executive Director, N.H. Board of Nursing, at (603) 271-2323, but that all other communications with the Board shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Board's regulations; and,

IT IS FURTHER ORDERED that a copy of this Notice of Hearing shall be served upon Respondent by certified mail. A copy shall also be delivered to Hearing Counsel.

*In the Matter of Lisa C. Lucas, RN
NH Board of Nursing
Order of Emergency Suspension of Privilege to Practice and Notice of Hearing*

BY ORDER OF THE BOARD

Dated: June 8, 2015



Denise Nies, MSN, RN, BC
Executive Director
Authorized Representative of the
New Hampshire Board of Nursing