

**STATE OF NEW HAMPSHIRE  
NEW HAMPSHIRE BOARD OF NURSING**

121 S FRUIT ST  
CONCORD NH 03301-2431

Webpage: <http://www.state.nh.us/nursing>

TDD Access: Relay NH 1-800-735-2964

Nursing 603-271-2323

Nurse Asst. 603-271-6282

In the Matter of:  
Timothy Morrissey, LNA  
(Adjudicatory/Proceeding)

Docket No. 15-1105-0500-NA

**FINDINGS OF FACT, RULINGS OF LAW AND SANCTIONS**

A Hearing, presided over by the Board chairperson Nora Fortin, RN, was held, in absentia, on November 19, 2015 at the Board of Nursing's office, 121 S. Fruit St., Concord, N.H. for Timothy Morrissey, LNA (Respondent) pursuant to the October 27, 2015 Notice of Hearing.

Present at the Hearing were: Respondent did not appear

Witnesses for Board: Erin Melendy, LNA; Kelly Riddell, RN

Board members present: Nora Fortin, Kitty Kidder, Cynthia Smith, Tracey Collins, Bobbi Petrin, Harley Featherston, Ann Finn-Waddell and Sherrie Palmieri.

Board Staff present: Sarah Howlett

Board members absent: Nancy Wiggin, Beth Fersch

Atty. L. O'Connor, Prosecutor for the Board

Following presentation of oral or written statements and exhibits the Board found for the following:

**FINDINGS OF FACT:**

1. The New Hampshire Board of Nursing ("Board") first granted Timothy Morrissey a license to practice as a licensed nursing assistant ("LNA") on March 7, 2012. Respondent holds license number 047961-24. Respondent's license is due to expire on April 26, 2017.
2. On October 31, 2015, Respondent was employed as a licensed nursing assistant at Bel-Air Nursing & Rehab Center.
3. At approximately 11:30 AM on October 31, 2015, Erin Melendy, LNA went into room 117B and saw Respondent sucking on the resident's breast.
4. Ms. Melendy told Respondent to stop and asked him what he was doing.
5. Ms. Melendy reported that Respondent answered, "You know what you saw."
6. Ms. Melendy also reported that Respondent stated, "This is the most embarrassing thing in my life."
7. The resident is an 80-year old woman suffering from Alzheimer's Disease and Dementia.
8. Ms. Melendy reported the incident to Kelly Riddell, RN who examined the resident and found no evidence of injury.
9. Ms. Riddell met with Respondent and reported that he admitted to the accusations and said, "I know it's sick – I need help."
10. The incident was reported to the Goffstown Police Department and their investigation is ongoing.
11. Respondent was terminated from Bel-Air Nursing & Rehabilitation Center.

**RULINGS OF LAW:**

1. On or about October 31, 2015, Respondent committed professional misconduct by sexually abusing a resident in violation of RSA 326-B:37, II (e) and/or (h) and/or (m) and/or Nur 402.04(b)(3) and/or (6).
2. Between November 5 and November 11, 2015, Respondent failed to cooperate with lawful investigation conducted by the board in violation of RSA 37, II(m) and (b) (15).

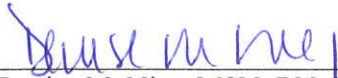
**SANCTIONS:**

1. For violating sections of the New Hampshire Nurse Practice Act including sexually abusing a resident, the Board revokes the Respondent's license to practice as a nursing assistant in New Hampshire and without the ability to request reinstatement of licensure and assesses a monetary penalty of \$2000 to deter future misconduct and to defray the costs associated with the investigation and prosecution of this case to be paid within 90 days from the effective date of the Board's order in one single payment by certified bank check or postal money order payable to the "NH Board of Nursing". Failure to pay the penalty by the deadline will cause the penalty to be reported to credit reporting services for inclusion on the Respondent's credit record. If the Board determines that collection action including court proceedings are necessary to enforce this obligation, the Board will petition the Court to assess the Respondent with all costs including reasonable legal fees and accrued interest at the prevailing government rate.
2. This order shall become a public document upon signature and a summary of the misconduct noted above may be published in the Board's newsletter and notification of federal and other state agencies and boards of nursing shall be effectuated as required or permitted by law.

**BOARD RATIONALE:**

Due to the severity of misconduct, specifically sexual assault on a vulnerable resident, the board imposes a revocation of the respondent's nursing assistant license without the ability to reinstate in the state of NH and a \$2000.00 monetary fine.

BY ORDER OF THE BOARD:

  
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Denise M. Nies, MSN, RN, BC  
Executive Director

  
\_\_\_\_\_  
Date