

1 NEW HAMPSHIRE BOARD OF NURSING
2 MINUTES
3 August 29, 2016
4 Philbrook Building
5 Conference Room B119
6

7 CALL TO ORDER
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9 The meeting was called to order by Chair Nora Fortin
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11 Board Members Present: Nora Fortin (NF), Sherrie Palmieri (SP), Nancy Wiggin (NW),
12 Roberta Petrin (RP), Cynthia Smith (CS) and Kevin Walsh (KW).
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14 Board Members Absent: Kathleen Kidder (KK), Tracey Collins (TC), Beth Fersch (BF),
15 and Ann Finn-Waddell (AFW).
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17 Board Staff Present (for all or part of the meeting): Denise Nies (DN), Sarah Howlett
18 (SH), and Ryan Kuehne, Prosecuting Attorney for the BON.
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21 Non-Public Sessions recorded as follows:

22 Motion to commence 1st non-public session: 4:48 PM to 5:02 PM -

23 On motion of NW, seconded by CS, the Board voted to conduct a non-public session for the
24 purpose of board business of the following: Benjamin Christgau, LPN administrative hearing and
25 Celeste Devost, LPN consideration for an emergency suspension of license and noting that such
26 a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3, II (e), RSA 91-A:5, IV,
27 RSA 329:18, I, RSA 329:18-a, IV, RSA 329:29, Lodge v. Knowlton, 119 N.H. 574 (1978), and
28 the Board's executive and deliberative privileges. Each member recorded his or her vote on the
29 motion, which passed by the unanimous poll vote of all members present and included all
30 members listed above. Motion to come out of non-public by 5:03 PM and seconded by NW and
31 vote unanimous.
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33 Motion to keep minutes of the non-public session confidential:

34 Upon the motion of SP and the second of CS, the Board voted to withhold the
35 minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A:3, III
36 on the grounds that public disclosure would be likely to affect adversely the reputation of a
37 person other than a board member and/or to render the proposed action ineffective and/or is not
38 subject to public disclosure pursuant to RSA 329:18, I, RSA 329:18-a, IV or RSA 329:29.
39 However, forty-eight hours after the mailing of any order, its respective vote shall automatically
40 become public in accordance with RSA 329:18-a. Each member recorded his or her vote on the
41 motion, which passed by the unanimous poll vote of all members present.
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43 7. ADJUDICATION
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45 Adjudicative (Investigator/ Prosecutor)
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47 Hearings

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Benjamin Christgau, LPN - Hearing

Hearing held pursuant to the Nurse Practice Act RSA 326-B and Administrative Rules, Chapter 100-800, proceeded at 4:10 PM with Nora Fortin (NF) presiding.

Board members present: Nora Fortin (NF), Roberta Petrin (RP), Cynthia Smith (CS), Sherrie Palmieri (SP), Nancy Wiggin (NW), Kevin Walsh (KW)

Board members absent: Kathleen Kidder (KK), Tracey Collins (TC), Beth Fersch (BF), and Ann Finn-Waddell (AFW).

Board Staff Present (for all or part of the meeting): Denise Nies (DN), Sarah Howlett (SH), and Ryan Kuehne, Prosecuting Attorney for the BON.

Motion made by NW and seconded by KW to impose the following discipline:
Board voted the following:

1. For violating sections of the Nurse Practice Act including RSA 326-B:37, II (h), RSA 326-B:37, II (p) (1), and RSA 326-B:37, II (p) (3), the Board SUSPENDS Benjamin Christgau’s license to practice nursing in the State of New Hampshire for no less than 12 months.
2. Should Respondent wish to petition for reinstatement of his Licensed Practical Nurse’s license after the 12 month period of suspension, Respondent shall:
 - a. Appear before the Board to provide an oral presentation in support of the petition;
 - b. Provide proof of successful completion of Intensive Outpatient Program (“IOP”) rehabilitation program;
 - c. Show proof of maintenance of sobriety;
 - d. Provide proof of active participation in NA/AA;
 - e. Provide proof of a current evaluation by an Licensed Alcohol and Drug Counselor (LADC) within 30 days prior to Respondent’s petition to the Board; and
 - f. Provide the Board with three character references related to Respondent’s honesty, integrity, timeliness, and productive work habits. If Respondent has been employed within the past year, at least one of the references must be from an employer.
3. Should the Board grant reinstatement of Respondent’s Licensed Practical Nurse’s license, a probation period shall follow and the terms, conditions, and stipulations shall be determined at the time of Respondent’s Board appearance noted in 2 a. above.

Hearing concluded at: 5:02 PM

94 Celeste Devost, LPN – Emergency Hearing
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96 Hearing began at: 5:03 PM
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98 NP reviewed the charge listed on the report of investigation and asked members if there were
99 any questions. Members indicated that there were no questions regarding the
100 charge of professional misconduct. All members reviewed the documents in
101 advance of the meeting.
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103 A motion by RP was made to emergency suspend the LPN license of Celeste Devost. The
104 motion was seconded by NW. All members unanimously voted to accept the
105 motion.
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107 Hearing set for: Thursday, September 15, 2016
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109 SP motioned to end the meeting and RP seconded that motion. Hearing ended at 5:05 PM.
110 Hearing was recorded.
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113 Meeting Adjourned: 5:06 PM
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117 For the Board
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119 Denise M. Nies