AGENDA
STATE OF NEW HAMPSHIRE
BOARD OF MEDICINE

NOVEMBER 7, 2018

PUBLIC SESSION
(PUBLIC SESSION BEGINS AT 12:00 P.M.)

MEETINGS/HEARINGS WITH THE BOARD:

12:00 P.M. – Nick Perencevich, M.D., Physician Investigator and Dori Lefebvre, Investigator.

I. Draft Minutes from the October 3, 2018 Board meeting.

II. APPLICATIONS FOR REVIEW

Applications to be reviewed in non-public session.

III. PUBLIC – PRESIDENT’S REPORT

IV. PUBLIC - TABLED:

T2. March 1, 2018 letter from Sally Garhart, M.D., Medical Director, NH Professionals Health Program, requesting a change in the current wording on the renewal and license applications regarding disclosure of past mental health conditions. **Board Action: 5/2/18** – On motion of Dr. Baker, seconded by Dr. Barr, tabled. The Board will form a committee to study this issue. Unanimous. **Board Action: 6/6/18** – On motion of Dr. Dibble, seconded by Dr. Barr, Dr. Christine Finn, Dr. Potenza and Dr. Garhart will be on the Committee to review the current wording on the renewal and license applications. Ms. Taylor will invite Robert Lamberti, Esq., to the July 11, 2018 meeting to discuss proposed changed to these rules. Unanimous. **Board Action: 7/11/18** – Tabled. **Board Action: 8/1/18** – Tabled. **Board Action: 9/5/18** – On motion of Dr. Barr, seconded by Ms. Gardner, Ms. Taylor will submit DRAFT applications incorporating the new language for initial and renewal applications and bring back for the Board’s review at its October 3, 2018 meeting. Unanimous. **Board Action: 10/3/18** – Table this item until rule changes have been approved through JLCAR.

T3. August 15, 2018 e-mail from Michael D. Bullek, BSP, R.Ph, Administrator of the Board of Pharmacy, regarding HB 1822-FN concerning pharmacists dispensing contraceptives on a standing order. **Board Action: 9/5/18** – On motion of Dr. Barr, seconded by Ms. Gardner, Mr. Bullek indicated that the bill passed and he’s looking for a representative from the Board to advise on rulemaking. Tabled for discussion with Board Counsel. Unanimous. **Board Action: 10/3/18** – On motion of Ms. Gardner, seconded by Dr. Baker, Board discussed the draft rules and relayed its concerns to the Board representative, Dr. Conway. Board will wait for updates to the draft. Unanimous.

V. PUBLIC - NEW BUSINESS:

A. Informational:

B. Action Items:

1. Quarterly report dated September 25, 2018 from Leonard Korn, M.D. regarding Jayakumar Patil, M.D.

2. September 18, 2018 information from Santé Center for Healing presenting their treatment program for the Board’s review.

3. October 2, 2018 e-mail from Shashibala Soni, M.D. requesting permission to work temporarily as a locum tenens physician in New Hampshire.

4. October 9, 2018 e-mail request from Jonathan Klingler, D.O., and Steve Danosi, M.D., to have Dr. Danosi as Dr. Klingler’s preceptor at Speare Memorial Hospital, according to his January 11, 2017 conditional license letter from the Board.

5. October 4, 2018 quarterly report from Edward Duffy, M.D., Littleton Regional Healthcare, regarding Jonathan Klingler, D.O.

6. Nominations for President and Vice President of the Board for 2019.

8. October 16, 2018 e-mail from David Johnson, M.A., Senior Vice President, Assessment Services, Federation of State Medical Boards, regarding a new tool, the Video-Based Communication Assessment (VCA), a self-guided, web-based app.

9. October 18, 2018 letter of support for Christopher Manfred, M.D. to return to anesthesia practice from Sally Garhart, M.D., Medical Director, NH PHP, with attachments.

10. October 29, 2018 *Motion to Stay Disciplinary Action* from Joshua L. Gordon, Esq., regarding Aaron Geller, M.D.

11. October 23, 2018 letter from Adriane Fugh-Berman, M.D., Georgetown University Medical Center, regarding InforMed.

12. October 25, 2018 *Petition to Amend Order of Conditional Approval to Return to Practice and to Approve a Return to Practice in Anesthesiology* submitted by Cinde Warmington, Esq., attorney for Christopher S. Manfred, M.D.

VI. LEGISLATION:

1. HB 1388 and SB 475, an act relative to testing for Lyme disease.

   **Board Action: 10/3/18** – Dr. Conway and Dr. Baker attended a Committee meeting regarding HB 1388 and SB 475 on Thursday, September 27, 2018. The Board will follow this legislation.
VII. DISCIPLINARY PROCEEDINGS:

HEARINGS SCHEDULED:

GOULD, Peter J., M.D. – Hearing continued to a date to be determined.  
Docket #18-05  
Cases included: 2016-317.  
David Conway, M.D. and Ms. Gardner recused.  
Emily Baker, M.D. is the Presiding Officer.  
John F. Brown, Esq. is Hearing Counsel from APU.  

Board Action: 8/01/18 – Ono motion of Dr. Barr, seconded by Dr. Potenza, approved Notice of Hearing as amended and schedule hearing for November 7, 2018 at 1:00 P.M. Emily Baker, M.D. will be the Presiding Officer. Dr. Ballard abstained. All others concurred.  
10/17/18 – Hearing Counsel’s Petition to Continue Hearing and Approve Settlement Agreement for review by the Presiding Officer.  
10/19/18 – Order Granting Continuance of Hearing approved by the Presiding Officer.
HEARINGS HELD PENDING FINAL DISPOSITION:

N/A

HEARINGS WITH DATE TO BE DETERMINED:

**KIGHT, Eric, M.D.** – Hearing date canceled until a future date to be determined.  
*Dr. Wheeler and Dr. Fanciullo recused.*  
*Dr. Conway is the Presiding Officer.*  
*Matthew Mavrogeorge, Esq. is Hearing Counsel from APU.*  
**Board Action:** 9/6/17 – On motion of Dr. Barr, seconded by Mr. Sullivan, approve revised Notice of Hearing and do not include exhibits. The hearing will be held on November 1, 2017 at 1:00 P.M. Dr. Conway will be the Presiding Officer.  *Dr. Wheeler and Dr. Fanciullo recused.*  All others concurred.  
**09/25/17** – Order of Emergency License Suspension and Notice of Hearing issued. Emergency hearing scheduled for October 4, 2017 at 1:00 P.M. David Conway, M.D. will be the Presiding Officer. Hearing scheduled for November 1, 2017 regarding Dr. Knight’s renewal application will be combined with this hearing.  
**09/27/17** – *Hearing Counsel’s Assented to Motion to Approve The Preliminary Agreement Not to Practice and Cancel the Hearing,* along with the proposed *Preliminary Agreement Not to Practice and Cancel the Hearing* document.  
**09/27/17** – *Order Canceling Hearing Scheduled for October 4, 2017* approved by the Presiding Officer.  
**Board Action:** 10/4/17 – On motion of Dr. Dibble, seconded by Dr. Conway, approve *Preliminary Agreement Not to Practice.*  Unanimous.

**MacDONALD, Hugh V., M.D.** – Hearing date to be determined.  
**Docket #:** 18-01  
Cases included: 2018-189.  
*Emily Baker, M.D. is the Presiding Officer.*  
*Matthew Mavrogeorge, Esq. is Hearing Counsel from APU.*  
**DRAFT Order of Emergency License Suspension and Notice of Hearing regarding Hugh V. MacDonald, M.D. for the Board’s review.**  
**Board Action:** 5/15/18 - On motion of Ms. Gardner, seconded by Dr. Fanciullo, the Board voted to issue the Order of Emergency License Suspension and Notice of Hearing to Dr. MacDonald. The hearing will be held on May 25, 2018 at 8:30 A.M. Dr. Baker will be the Presiding Officer. Approved by a roll call vote of members present:  
- Dr. Baker  Yes  
- Dr. Potenza  Yes  
- Dr. Wheeler  Yes  
- Dr. Conway  Yes  
- Dr. Fanciullo  Yes  
- Ms. Gardner  Yes  
**05/21/18** - *Hearing Counsel’s Assented-to Motion to Approve the Preliminary Agreement Not to Practice and Cancel the Hearing,* along with the proposed Preliminary Agreement Not to Practice in the matter of Hugh V. MacDonald, M.D. for review by the Board. (Complaint #2018-189)  
**05/23/18** – *Order Canceling Hearing Scheduled for May 25, 2018* approved by the Presiding Officer.  
**Board Action:** 6/6/18 – On motion of Dr. Fanciullo, seconded by Dr. Conway, approve the Preliminary Agreement Not to Practice and Cancel the Hearing.  Unanimous.  
**06/14/18** – *Preliminary Agreement Not to Practice* issued.
SUNDARAM, Malathy, M.D. – Hearing date to be determined.
**Docket #: 18-02**
Cases included: 2017-379.
*Nina Gardner, Public Member, recused.*
*Dr. Baker is the Presiding Officer.*
April 30, 2018 letter from Molly Barker Gilligan, Esq., attorney for Malathy Sundaram, M.D., including the evaluation from CPEP pursuant to her agreement with the Maine Board of Licensure in Medicine.
**Board Action: 6/6/18** – On motion of Dr. Wheeler, seconded by Dr. Dibble, issue Order to Show Cause why she should be allowed to practice pursuant to RSA 329:17, VI-a and the CPEP evaluation. **Unanimous.**
**08/28/18** – *Order Granting Motion to Postpone Show Cause Hearing* issued. Date of hearing to be determined, if necessary.
**Board Action: 9/5/18** – On motion of Dr. Baker, seconded by Dr. Barr, before Board reschedules the hearing, give Dr. Sundaram the opportunity to give up her license. **Unanimous.**
**10/02/18** – Ms. Taylor spoke with Dr. Sundaram who indicated she wanted the Board to reschedule the hearing.

VIDAVER, Robert C., M.D. – Hearing not scheduled.
**Docket #: 15-04**
Case included: 2015-207.
*Dr. Rosenthall and Dr. Vidaver recused.*
*Mr. Waters is the Presiding Officer.*
*Hearing Counsel is Matthew Mavrogeorge, Esq.*
**06/03/15** - Discussion on Report of Investigation regarding Robert C. Vidaver, M.D.  **Dr. Rosenthall and Dr. Vidaver recused.**
Board Action: 6/3/15 – On motion of Mr. Waters, seconded by Dr. Barr, request response from Dr. Vidaver with a deadline of June 15, 2015. Also, issue Notice of Hearing. Presiding Officer, Edmund Waters, Jr., is authorized to review and issue the Notice of Hearing. Hearing to be held on July 1, 2015. **Unanimous.**
**06/19/15** – Assented-To Motion to Continue Hearing submitted by Sean R. List, Esq., Attorney for Dr. Vidaver.
**06/22/15** – Presiding Officer granted a continuance. **Order of Continuance** issued. Board to reschedule hearing for a future date.
**09/13/18** – Appearance from Cinde Warmington, Esq., Shaheen and Gordon.
**09/13/18** – Appearance from Alexander W. Campbell, Esq., Shaheen and Gordon.
**10/25/18** – Hearing Counsel’s Petition to Approve Preliminary Agreement Not to Practice, along with the draft Preliminary Agreement Not to Practice for the Board’s review.