

## MINUTES

August 2, 2017

### STATE OF NEW HAMPSHIRE BOARD OF MEDICINE

The regularly scheduled meeting of the New Hampshire Board of Medicine was held at 121 South Fruit Street, Concord, New Hampshire on the above date, beginning at 8:00 A.M. Unless otherwise indicated, the members present and participating were: Emily R. Baker, M.D., Vice President of the Board; John H. Wheeler, D.O.; Frank B. Dibble, Jr., M.D., DHHS Commissioner's Designee; Daniel P. Potenza, M.D.; David C. Conway, M.D.; Gilbert J. Fanciullo, M.D. and Mark Sullivan, P.A. Absent was: Michael Barr, M.D., President of the Board.

#### **Motion to commence 1<sup>st</sup> non-public session:**

On motion of Mr. Sullivan, seconded by Dr. Conway, the Board voted to conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct, physician applications with irregularities and other confidential Board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3, II (e), RSA 91-A:5, IV, RSA 329:18, I, RSA 329:18-a, IV, RSA 329:29, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Each member recorded his or her vote on the motion, which passed by the unanimous poll vote of all members present.

#### **1<sup>st</sup> NON-PUBLIC SESSION:**

[Minutes kept separately]

#### **Motion to keep minutes of 1<sup>st</sup> non-public session confidential:**

Upon the motion of Dr. Potenza and the second of Dr. Wheeler, the Board voted to withhold the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A:3, III on the grounds that public disclosure would be likely to affect adversely the reputation of a person other than a board member and/or to render the proposed action ineffective and/or is not subject to public disclosure pursuant to RSA 329:18, I, RSA 329:18-a, IV or RSA 329:29. However, forty-eight hours after the mailing of any order, its respective vote shall automatically become public in accordance with RSA 329:18-a. Each member recorded his or her vote on the motion, which passed by the unanimous poll vote of all members present.

**On motion of Dr. Potenza, seconded by Dr. Wheeler, the Board voted to go into public session.**

**MINUTES  
PUBLIC SESSION  
BOARD OF MEDICINE  
August 2, 2017**

**MEETINGS/INTERVIEWS/HEARINGS WITH THE BOARD:**

12:30 P.M. – Nick Perencevich, M.D., Physician Investigator. Board Action: 8/2/17 – Dr. Perencevich discussed the following with the Board:

1. Votes between the Board and the MRSC.
2. Re-entry into the practice of medicine.
3. Discussion on the proposed statute changes (RSA 329:17, V-a and XII) being submitted to the legislature by Senator Dan Feltes next session.
4. Dr. Perencevich is meeting again with the people at the NH Hospital Association to discuss the poor medical records and what could be done about that.
5. The Board is most likely not getting an Executive Director.

1:00 P.M. – Hearing regarding Gayle Spelman, P.A.  
Board Action: 8/2/17 – Hearing held.

**Actions authorized during 1<sup>st</sup> non-public session:**

**I. NEW APPLICATIONS:**

**PHYSICIAN**

**TEMPORARY LICENSES:** Board Action: 8/2/17 – On motion of Mr. Sullivan, seconded by Dr. Wheeler, approve for temporary license. Unanimous.

TSAI, Kevin L., M.D. – Internal Medicine (Board Certified) – St. George's University in Grenada West Indies, 2013.

**PHYSICIAN LICENSES:** Board Action: 8/2/17 – On motion of Mr. Sullivan, seconded by Dr. Wheeler, approve for full license. Unanimous.

ADAMOVICH, Ashley N., M.D. – Diagnostic Radiology – West Virginia University School of Medicine, 2011.

BELTRAN, Javier L., M.D. – Diagnostic Radiology (Board Certified) – Universidad De Barcelona in Spain, 1969.

BRAZALOVICH, Alexander, D.O. – Family Practice – University of New England College of Osteopathic Medicine, 1995.

**Board waived Med 303.01(c) based on Med 211.01.**

DURGIN, Gwendolyn F., M.D. – Diagnostic Radiology (Board Certified) – Dartmouth Medical School, 1999.

GIRLING, Douglas H., D.O. – Emergency Medicine (Board Certified) – University of New England College of Osteopathic Medicine, 2001.

ICENOGLE, Daniel L., M.D. – Family Practice (Board Certified) – Loyola University of Chicago Stritch School of Medicine, 1981.

KESSLER, Andrew J., M.D. – Psychiatry (Board Certified) – Ross University in the Dominica, 1984.

LEE, Francis Y., M.D. – Pulmonary Disease (Board Certified) – National University of Singapore, 1984.

MAROTTA, Leonard, M.D. – OB/GYN (Board Certified) – State University of New York Upstate Medical University, 1987.

MATTHEWS, Brett J., D.O. – General Surgery (Board Certified) – University of New England College of Osteopathic Medicine, 2010.

PAWLOWSKI, Samantha R., M.D. – OB/GYN – University of Vermont, 2013.

PERLMAN, Stacie E., M.D. – General Surgery (Board Certified) – Albany Medical College, 2001.

PUNDT, Mark R., M.D. – Emergency Medicine (Board Certified) – State University of New York at Buffalo, 1989.

RODRIGUEZ GALVIS, Claudia, M.D. – Psychiatry (Board Certified) – Colegio Mayor De Nuestra Senora Del Rosario in Colombia, 2002.

SIMPSON, Mary C., M.D. – OB/GYN (Board Certified) – Temple University School of Medicine, 2004.

## **PHYSICIAN**

**LICENSES: Board Action: 6/7/17** – On motion of Dr. Fanciullo, seconded by Mr. Sullivan, request additional information. Unanimous. **Board Action: 7/5/17** – Tabled. **7/7/17** – Letter from Judith Feinberg Albright, Esq., attorney for Dr. Tayeb, requesting the Board allow Dr. Tayeb to withdraw his application for a license in New Hampshire as he has taken a position in New York. **Board Action: 8/2/17** – On motion of Dr. Wheeler, seconded by Dr. Fanciullo, allow Dr. Tayeb to withdraw his application for a license in the state of New Hampshire. Unanimous.

TAYEB, Baraa O., M.D. – Anesthesiology – King Abdulaziz University in Saudi Arabia, 2006.

**PHYSICIAN**

**LICENSES: Board Action: 5/3/17** – On motion of Dr. Barr, seconded by Mr. Sullivan, tabled. Request additional information from Dr. Matta. Unanimous. **Board Action: 6/7/17** – Tabled. **Board Action: 7/5/17** – Tabled. **8/2/17** – Dr. Matta’s application is over a year old. If Dr. Matta wishes to practice medicine in New Hampshire, he will be required to re-submit the application for license.

MATTA, Stephen, D.O. – Family Medicine (Board Certified) – Philadelphia College of Osteopathic Medicine, 2007.

**PHYSICIAN**

**REINSTATEMENT LICENSES:** Board Action: 8/2/17 – On motion of Mr. Sullivan, seconded by Dr. Wheeler, approve for reinstatement of license. Unanimous.

NANAVATI, Ajay P., M.D. – Internal Medicine (Board Certified) – University of West Indies, 2000.

PRYBYLA, David J., M.D. – Orthopaedic Surgery (Board Certified) – Albany Medical College, 2001.

**LOCUM**

**TENENS LICENSES:** Board Action: 8/2/17 – On motion of Mr. Sullivan, seconded by Dr. Wheeler, approve for locum tenens license. Unanimous.

PHAM, Leslie, M.D.

**PHYSICIAN ASSISTANT**

**LICENSES:** Board Action: 8/2/17 – On motion of Mr. Sullivan, seconded by Dr. Wheeler, approve for full license. Unanimous.

ORR, Jeremy B., P.A.

**PHYSICIAN ASSISTANT**

**REINSTATEMENT LICENSES:** Board Action: 8/2/17 – On motion of Mr. Sullivan, seconded by Dr. Wheeler, approve for reinstatement of license. Unanimous.

MICHALAK, Darrin M., P.A. (**Pending RSP/ARSP**)

## **CONSENT PHYSICIAN**

**TEMPORARY LICENSES:** Board Action: 8/2/17 – On motion of Mr. Sullivan, seconded by Dr. Wheeler, approve for temporary license. Unanimous.

ABEYSINGHE, Chama D., M.D. – Internal Medicine (Board Certified) – University of Colombo, 1983.

BARRETT, Conor D., M.D. – Internal Medicine – University College Cork, National University of Ireland, 1999.

COLBY, Benjamin S., M.D. – Family Practice – Dartmouth Medical School, 2014.

COSTELLO, Jamison F., D.O. – Family Practice – University of New England College of Osteopathic Medicine, 2014.

MCCORMACK, Steven T., M.D. – Diagnostic Radiology (Board Certified) – University of Oklahoma Health Science Center, 1989.

OGAN, Olotonkeo U., M.D. – Emergency Medicine (Board Certified) – University of Nigeria College of Medicine, 1982.

## **CONSENT**

**PHYSICIAN LICENSES:** Board Action: 8/2/17 – On motion of Mr. Sullivan, seconded by Dr. Wheeler, approve for full license. Unanimous.

AGGRAWAL, Puja, M.D. – Neurology (Board Certified) – Northeast Ohio Medical University, 2008.

BARAKAT, Leslie A., M.D. – Pediatrics (Board Certified) – Georgetown University, 2000.

BONI, Andrea, M.D. – Pathology (Board Certified) – Libera Univeresita Vita Salute S. Rafeale Milano in Italy, 2003.

BRANDT, Ryan J., M.D. – Diagnostic Radiology – Temple University School of Medicine, 2012.

BURRESS, John W., M.D. – Preventive Medicine (Board Certified) – University of Kentucky, 1989.

CORMIER, David J., D.O. – Physical Medicine & Rehabilitation – University of New England College of Osteopathic Medicine, 2012.

DAVE, Sarita B., M.D. – Ophthalmology (Board Certified) – University of Iowa Carver College of Medicine, 2008.

DUFFY, Reshma P., M.D. – General Surgery – Icahn School of Medicine at Mount Sinai, 2008.

GABINO MIRANDA, Gustavo A., M.D. – Critical Care Medicine (Board Certified) - Universidad De Guayaquil in Ecuador, 2003.

HENKIN, Stanislav, M.D. – Internal Medicine (Board Certified) – Boston University School of Medicine, 2013.

HOLMGREN, Eric P., M.D. – General Surgery (Board Certified) – Oregon Health & Science University School of Medicine, 2004.

HUSEYNOVA, Khuma, M.D. – General Surgery (Board Certified) – Azerbaijan State Medical University in Azerbaijan, 1997.

JALEEL, Naser, M.D. – Neurology – Temple University School of Medicine, 2010.

KHAN, Adnan I., M.D. – Neurology – University of the Punjab King Edward Medical College, 2007.

LASPINA, Mark, D.O. – Urology (Board Certified) – University of New England College of Osteopathic Medicine, 2002.

MAWARI, Samih K., M.D. – Critical Care Medicine (Board Certified) – St. Matthew's University Grand Cayman, 2008.

MEHURG, Shannon M., M.D. – Cardiovascular Disease (Board Certified) – The Brody School of Medicine at East Carolina University, 2005.

MEYER, Russell E., M.D. – Diagnostic Radiology (Board Certified) – University of Vermont College of Medicine, 2009.

NAQVI, Zafar N., M.D. – Psychiatry (Board Certified) – Dow Medical College University of Karachi in Pakistan, 1994.

PAPANI, Ravikanth, M.D. – Pulmonary Disease (Board Certified) – Osmania Medical College in India, 2009.

PERLI, Daniel P., M.D. – Internal Medicine (Board Certified) – Christian Medical College, Vellore in India, 2007.

RACHERLA, Sumiran, M.D. – Internal Medicine – Andhra Medical College in India, 2011.

SHWEISH, Omar, M.D. – Internal Medicine – Istanbul Universitesi in Turkey, 2013.

STERLING, Michelle G., M.D. – Diagnostic Radiology (Board Certified) – University of Pittsburgh School of Medicine, 2006.

THOMSON, Ruth M., D.O. – Internal Medicine (Board Certified) – Ohio University Heritage College of Osteopathic Medicine, 1996.

TSAI, Salina D., M.D. – Diagnostic Radiology (Board Certified) – University of Texas Southwestern Medical Center at Dallas, 2003.

UNDERBAKKE, Daniel L., M.D. – General Surgery – University of Wisconsin, 2014.

VARGAS LOWY, David, M.D. – Child Neurology – Universidad De Alcala De Henares in Spain, 2005..

VILA, Hector, Jr., M.D. – Anesthesiology (Board Certified) – Louisiana State University School of Medicine New Orleans, 1989.

WIHBEY, Kristina A., M.D. – OB/GYN – Jefferson Medical College of Thomas Jefferson University, 2013.

WILSON, Matthew Z., M.D. – General Surgery (Board Certified) – Jefferson Medical College of Thomas Jefferson University, 2009.

WOFFORD, Matthew R.W., M.D. – Internal Medicine – University of North Carolina at Chapel Hill School of Medicine, 2014.

WOJCIECHOWSKI, David M., D.O. – Nephrology (Board Certified) – Philadelphia College of Osteopathic Medicine, 2002.

### **CONSENT PHYSICIAN**

**ASSISTANT LICENSES:** Board Action: 8/2/17 – On motion of Mr. Sullivan, seconded by Dr. Wheeler, approve for full license. Unanimous.

ALEXANDER, Leanne G., P.A.

CHICKERING, Julia A., P.A. (**Pending RSP/ARSP**)

CIRIELLO, Robyn, P.A.

CRAIN, Nathan L., P.A.

GIBBS, Abigail E., P.A.

GRADY, Samuel R., P.A.

HODGE, Pandora, P.A.

LAM, Claudia Y., P.A.

MANZO, Mary M., P.A.

MCCLAIN, Scott R., P.A. (**Pending RSP/ARSP**)

NUNEZ STIGLICH, Maria M., P.A.

OLIVER, Jill A., P.A.

RAMSAY, Margaret A., P.A.

SLOAN, Alicia A., P.A.

SWANN, Kevin W., P.A.

## **CONSENT PHYSICIAN ASSISTANT**

**REINSTATEMENT LICENSES:** Board Action: 8/2/17 – On motion of Mr. Sullivan, seconded by Dr. Wheeler, approve for reinstatement of license. Unanimous.

HOSER, William K., P.A.

LOREFICE, Anne Marie C., P.A. **(Pending RSP)**

## **COMPACT**

**PHYSICIAN LICENSES:** To be ratified by the Board at its August 2, 2017. Board Action: 8/2/17 – On motion of Mr. Sullivan, seconded by Dr. Wheeler, ratify full licenses. Unanimous.

MCRAE, Gina A., M.D. licensed on August 2, 2017.

SIMONENKO, Iouri I., M.D. licensed on July 25, 2017.

**II. Draft Minutes from the July 5, 2017 Board meeting.** Board Action: 8/2/17 – On motion of Mr. Sullivan, seconded by Dr. Wheeler, approved. Unanimous.

## **III. PUBLIC – PRESIDENT'S REPORT**

None.

## **IV. PUBLIC - TABLED:**

**T1.** DRAFT amended rules for review by the Board. **Board Action: 11/2/16** – On motion of Dr. Andelman, seconded by Mr. Waters, tabled. Unanimous. **Board Action: 12/7/16** – Tabled. **Board Action: 1/4/17** – Ms. Taylor will make changes and bring back to the Board in February. **Board Action: 2/1/17** – Tabled. **Board Action: 3/1/17** – Ms. Taylor to make changes and bring back to Board next month. Tabled. **Board Action: 4/5/17** – On motion of Dr. Barr, seconded by Dr. Fanciullo, tabled for the May meeting. Unanimous. **Board Action: 5/3/17** – On motion of Dr. Barr, seconded by Dr. Dibble, tabled for June meeting. Unanimous. **Board Action: 6/7/17** – On motion of Dr. Dibble, seconded by Dr. Conway, submit initial proposal of Med 301.03, 301.04, 305.01, 401.03, 402.02, 407.01, 407.02, 407.03 and 501.02 to JLCAR. Unanimous. **Board Action: 7/5/17** – Tabled. **Board Action: 8/2/17** – Tabled.

**T2.** Discussion regarding “Collaborative rules with pharmacists” based on e-mail from Daniel Potenza, M.D. dated November 7, 2016. **Board Action: 1/4/17** – Dr. Potenza will send the draft rules to Ms. Taylor, who will forward them to the Board. **Board Action: 2/1/17** – Tabled. Dr. Potenza will provide updates monthly, if applicable.



**T3.** James Potter, Executive Vice President, NH Medical Society (NHMS), will attend Board meeting to discuss the NHMS assisting the Board with the website regarding the required opioid courses. **Board Action: 4/5/17** – Tabled. **Board Action: 5/3/17** – Dr. Fanciullo has agreed to work with Mr. Potter to accomplish this. The Board has noted the following should be clear on the website in the future: the CME list may change periodically; any new courses for approval should be sent to the NH Medical Society’s address; once the Board approves a course, it will be listed on the website. **Board Action: 6/7/17** – Tabled. Dr. Fanciullo will discuss with Mr. Potter to determine how the NH Medical Society can assist the Board in this process. **Board Action: 7/5/17** – Tabled. **7/14/17** – Proposal from Mr. Potter for consideration at the Board’s August 2, 2017 meeting regarding the approval of opioid CMEs. **Board Action: 8/2/17** – Tabled.

**T4.** May 30, 2017 e-mail from Michelle RiccoJonas, Program Manager, PDMP, regarding “Upcoming Changes to the PDMP.” **Board Action: 6/7/17** – Tabled. Ms. Taylor to forward e-mail to Dr. Baker. **Board Action: 7/5/17** – Tabled. Dr. Fanciullo to draft a response. **Board Action: 8/2/17** – On motion of Dr. Dibble, seconded by Dr. Fanciullo, invite Ms. RiccoJonas to the September 6, 2017 meeting to discuss. Unanimous.

## V. PUBLIC - NEW BUSINESS:

### A. Informational:

### B. Action Items:

1. The following physicians are requesting an extension to complete his/her CMEs for the cycle January 1, 2015 through December 31, 2016:

- Nancy C. Keeton, M.D., ext. to February 28, 2017
- Peter Cary, M.D., ext. to June 30, 2017 (**Also requesting a waiver of the \$350 late fee**)

Board Action: 8/2/17 – On motion of Dr. Fanciullo, seconded by Dr. Potenza, approve extensions as listed above. 6-1 motion carries. On motion of Mr. Sullivan, seconded by Dr. Baker, Request from Dr. Cary to waive the \$350 late fee is denied. Unanimous.

2. July 12, 2017 letter from Sally Garhart, MD, Medical Director, NH Professionals Health Program, indicating Christopher Manfred, M.D. is ready and safe to return to the practice of medicine at this time, pursuant to his Preliminary Agreement for License Restrictions with the Board dated January 31, 2017. **7/17/17** – Petition for Authorization to practice Medicine. Board Action: 8/2/17 – On motion of Dr. Dibble, seconded by Dr. Conway, issue Order of Conditional Approval to Return to Practice with the following restrictions and/or conditions. *Dr. Baker and Dr. Fanciullo recused.* All others concurred. **Mr. Sullivan chaired the meeting in Dr. Baker’s absence.**

1. For the first one (1) year of practice, Dr. Manfred shall practice critical care medicine only; and
2. Dr. Manfred shall establish a work-place monitoring physician prior to his return to work, such monitor to be approved by the Board along with the work-place monitoring agreement between Dr. Manfred and the monitoring physician. Any

change to the work-place monitoring physician shall be approved by the Board;  
and

3. Dr. Manfred shall ensure that the work place monitor provide quarterly reports to the Board describing his clinical care, conduct and professionalism while practicing; and
4. Dr. Manfred shall adhere to the NH PHP contract for five years from the date of signature by the NH PHP Director or five years after a relapse; and
5. Subsequent to Dr. Manfred's first year of practice, in order to return to practice other than critical care medicine, including but not limited to anesthesiology, Dr. Manfred will need to be re-evaluated by Caron Treatment Centers and the return to practice other than critical care medicine shall be approved by the Board.

#### **VI. OTHER PUBLIC ORDERS ISSUED:**

**TAYTAWAT, Pongpeera, M.D.** – Settlement Agreement.

Board Action: 08/2/17 – On motion of Dr. Fanciullo, seconded by Dr. Potenza, approve Settlement Agreement. Unanimous.

## VII. DISCIPLINARY PROCEEDINGS:

### HEARINGS SCHEDULED:

**SPELMAN, Gayle, P.A.** – Hearing scheduled for August 2, 2017 at 1:00 P.M.

Case #: 2016-95

*Dr. Conway recused.*

*Dr. Dibble is the Presiding Officer.*

*Matthew Mavrogeorge, Esq. is Hearing Counsel from APU.*

**Board Action: 06/7/17** – On motion of Mr. Sullivan, seconded by Dr. Potenza, approve Notice of Hearing. The hearing will be held on August 2, 2017 at 1:00 P.M. The Presiding Officer will be Dr. Dibble. Unanimous.

**07/21/17** – *Hearing Counsel's Preliminary List of Witnesses and Exhibits.*

**07/24/17** – Ms. Spelman filed a motion of continuance.

**07/25/17** – Hearing Counsel's Objection to Respondent's Request for a Continuance.

**07/26/17** – E-mail to parties with Presiding Officer's decision to deny Motion to Continue.

**07/28/17** – Appearance letter from Jason Gregoire, Esq.

**08/01/17** – *Stipulation of Facts & Applicable Law* signed by Matthew Mavrogeorge, Esq., Administrative Prosecutions Unit, and Jason Gregoire, Counsel for Ms. Spelman.

**Board Action: 08/2/17** – Hearing held.

**WILLIAMS, Edward J., M.D.** – Hearing scheduled for September 6, 2017 from 1pm to 7pm and October  
**DILLON, Kasey L., P.A.** 4, 2017 from 1pm to 7pm.

Case #: 2014-43

*Dr. Rosenthal recused.*

*Dr. Dibble is the Presiding Officer.*

*Michelle Heaton is Hearing Counsel from APU.*

Board Action: 08/3/16 – On motion of Dr. Andelman, seconded by Dr. Dibble, issue Notice of Hearing as amended. Schedule the hearing for March 1, 2017 at 1:00 P.M. Dr. Barr, or someone else appointed by the Board, will act as the Presiding Officer. Unanimous.

**09/14/16** – *Notice of Appearance* submitted by John D. Cassidy, Esq. and Christopher M. Bracci, Esq., Ficksman & Conley, LLP.

**12/12/16** – Letter from Attorney Cassidy indicating that if the hearing goes forward, he is requesting that it be scheduled to a date other than March 1, 2017, as he is expected to be out of the country at the time.

**Board Action: 01/4/17** – On motion of Mr. Sullivan, seconded by Dr. Barr, the Board grants Attorney Cassidy's request to reschedule the hearing and has rescheduled the hearing to May 3, 2017 at 1:00 P.M.

**01/11/17** – *Procedural Order* issued rescheduling the hearing to May 3, 2017 at 1:00 P.M.

**02/22/17** – Request from Attorney Cassidy for a prehearing conference. Attorney Cassidy also indicates he is scheduled to begin a trial on May 1, 2017, which is expected to take 6 or 7 business days, therefore he will not be available for this hearing on May 3, 2017.

**Board Action: 03/1/17** – On motion of Dr. Barr, seconded by Dr. Wheeler, Dr. Dibble will send Ms. Taylor a couple of dates he is available and Ms. Taylor will schedule a prehearing conference. Unanimous.

**03/23/17** – *Procedural Order* issued.

**04/06 17** – Prehearing Conference held.

**04/10/17** – Request from Attorney Cassidy for a continuance of the hearing.

**04/13/17** – *Procedural Order* and *Order on Motion to Continue* issued.

**04/06/17** – *Hearing Counsel's Preliminary List of Witnesses and Exhibits.*

**04/12/17** – *Preliminary List of Witnesses and Exhibits of Respondents Kasey L. Dillon P.A., and Edward J. Williams, M.D.*

**04/26/17** – Letter from Attorney Cassidy's office indicating the following four dates in August that the parties are available for the hearing: August 15, 26, 24 and 25.

**Board Action: 05/3/17** – On motion of Dr. Barr, seconded by Dr. Dibble, schedule hearing for September 6, 2017 from 1pm to 7pm and October 4, 2017 from 1pm to 7pm. Unanimous.

**05/11/17** – E-mail from Christopher M. Bracci, Esq. indicating counsel for Dr. Williams and Ms. Dillon have a conflict with the October 4, 2017 date and are asking if it is possible to coordinate a different second date.

**06/02/17** – *Assented to Motion of Respondents, Kasey L. Dillon, P.A., and Edward J. Williams, M.D., to Continue Day 2 of the Adjudicatory Hearing Scheduled for October 4, 2017.*

**Board Action: 06/7/17** – On motion of Mr. Sullivan, seconded by Dr. Dibble, September 6, 2017 and October 4, 2017 are the only dates the Board can achieve a quorum, therefore, Respondents Motion to Continue Day 2 of the Adjudicatory Hearing Scheduled for October 4, 2017 is denied. Unanimous.

**GIORDANO, Geoffrey M., D.O.** – Hearing scheduled for November 1, 2017 at 1:00 P.M.

Case #: 2016-61

*Dr. Conway recused.*

*Mr. Sullivan is the Presiding Officer.*

*Michelle Heaton, Esq. is Hearing Counsel from APU.*

**Board Action: 06/7/17** – On motion of Dr. Dibble, seconded by Mr. Sullivan, issue Notice of Hearing as amended. The hearing is scheduled for November 1, 2017 at 1:00 P.M. Mr. Sullivan will be the Presiding Officer. Unanimous.

**HEARINGS HELD PENDING FINAL DISPOSITION:**

**CAMERON, Carol L., M.D.** – Hearing scheduled for April 5, 2017 at 3:00 P.M.

Case #: 2014-383

*Dr. Barr is the Presiding Officer.*

*No Hearing Counsel from APU.*

**11/22/16** – *Procedural Order on Licensee's Requests and Notice of Hearing to Show Cause* approved by Presiding Officer and issued – to be ratified at Board's December 7, 2016 meeting.

**Board Action: 12/7/16** – On motion of Dr. Baker, seconded by Mr. Sullivan, Board ratified the Procedural Order on Licensee's Requests and Notice of Hearing to Show Cause. Unanimous.

**03/24/17** – *Motion to Continue Hearing to Show Cause and Deadline to Submit Documents* submitted by Dr. Cameron.

**03/30/17** – *Order on Motion to Continue.*

**04/05/17** – Hearing held. Ms. Taylor to remind Dr. Cameron that she has two (2) weeks from the date of the hearing, or until April 19, 2017 at 4:00 P.M., to submit her final marked exhibits.

**04/19/17** – Exhibits A through J received.

**Board Action: 05/3/17** – Action taken in non-public session.

**Board Action: 07/5/17** - On motion of Mr. Sullivan, seconded by Dr. Barr, reconsider previous decision. 6-1 motion carries. On motion of Dr. Barr, seconded by Dr. Fanciullo, accept order as drafted. Action taken in non-public session. 6-1 motion carries.

**07/07/17** – Final Order issued.

**GELLER, Aaron S., M.D.** – Hearing scheduled for December 7, 2016 from 1:00 P.M. to 5:30 P.M. and January 30, 2017, January 31, 2017 from 8:00 A.M. to 4:00 P.M. each day.

**Docket #: 15-08**

Cases included: 2012-490, 2013-17 and 2013-250.

*Louis Rosenthal, M.D. recused.*

*Mr. Waters is the Presiding Officer.*

*Michelle Heaton is Hearing Counsel from APU.*

**Board Action: 11/4/15** – On motion of Dr. Andelman, seconded by Mr. Waters, issue Notice of Hearing. Schedule hearing for January 6, 2016 at 2:00 P.M. Mr. Waters will be the Presiding Officer. 9-1 abstained.

**11/25/15** – *Motion to Request a Prehearing Conference* submitted by Michelle Heaton, Esq., APU.

**12/04/15** – *Appearance* filed by Daniel J. Corley, Esq.

**12/04/15** – *Assented to Motion to Continue Hearing Date and Extend Deadline to File Witness Lists and Proposed Exhibits* filed by Attorney Corley.

**12/10/15** – *Order of Continuance* rescheduling the hearing to May 4, 2016 at 1:00 P.M.

**02/12/16** – *Motion For Clarification of Procedural Order* submitted by Michelle Heaton, Esq., APU.

**02/12/16** – *Motion to Request a Prehearing Conference* submitted by Michelle Heaton, Esq., APU.

**Board Action: 03/02/16** – On motion of Mr. Waters, seconded by Ms. Barba, schedule prehearing conference. Unanimous.

**03/18/16** – Prehearing conference held.

**03/18/16** – *Hearing Counsel's List of Witnesses and Exhibits*

**03/28/16** – *Procedural Order* issued pursuant to the prehearing conference held on March 18, 2016.

Hearing continued. Date to be determined.

**06/14/16** – *Joint Motion to Extend Procedural Order Schedule*

**06/20/16** – *Amended Procedural Order*

**09/01/16** – Request from Michelle Heaton, Esq. for hearing dates.

**Board Action: 09/7/16** – Tabled. Board will discuss at its October 5, 2016 meeting.

**Board Action: 10/5/16** – On motion of Mr. Waters, seconded by Dr. Potenza, send out a Scheduling Order for a prehearing on November 18, 2016 at 10:00 A.M. and the adjudicatory hearing on December 7, 2016 from 1:00 P.M. to 5:30 P.M. Unanimous.

**10/13/16** – *Scheduling Order* scheduling a prehearing conference on November 18, 2016 and a hearing on December 7, 2016 from 1:00 P.M. to 5:30 P.M.

**10/17/16** – *Assented to Motion to Continue Hearing* submitted by Attorney Heaton.

**11/01/16** – *Prehearing Brief* submitted by Attorney Heaton.

**11/01/16** – *Hearing Counsel's Amended List of Witnesses and Exhibits*

**Board Action: 11/2/16** – On motion of Mr. Waters, seconded by Mr. Sullivan, deny Motion to Continue. Unanimous.

**11/04/16** – *Order Denying Continuance.*

**11/16/16** – *Aaron Geller, M.D.'s List of Witnesses and Exhibits* (marked incorrectly).

**11/18/16** – *Aaron Geller, M.D.'s List of Witnesses and Exhibits* (marked correctly).

**12/01/16** – *Procedural Order*

**Board Action: 12/7/16** – Hearing commenced. The parties scheduled the next dates for the hearing for January 30, 2017, January 31, 2017 and tentatively March 13, 2017 and March 14, 2017 from 8:00 A.M. to 4:00 P.M. each day.

**12/12/16** – *Scheduling Order* scheduling the continuance of the hearing for January 30-31, 2017 from 8:00 A.M. to 4:00 P.M. each day and tentatively scheduled for March 13-14, 2017 from 8:00 A.M. to 4:00 P.M. each day.

**01/11/17** – *Amended Procedural Order* indicating that the two full days scheduled in January shall be sufficient for the presentation of all evidence and no further dates will be scheduled.

**01/31/17** – Hearing completed.

**SONI, Shashibala, M.D.** – Hearing scheduled for July 5, 2017 at 1:00 P.M.

*Dr. Potenza is the Presiding Officer.*

*No Hearing Counsel from APU.*

**03/08/17** - Request for Hearing from Adam B Pignatelli, Esq., counsel for Shashibala Soni, M.D., pursuant to Dr. Soni's February 8, 2017 Order of Conditional Denial.

**Board Action: 4/5/17** – On motion of Dr. Potenza, seconded by Dr. Barr, schedule hearing for June 7, 2017 at 1:00 P.M. Dr. Potenza will be the Presiding Officer.

**04/21/17** – *Shashibala Soni, M.D.'s Motion to Continue Hearing*, submitted by Adam B. Pignatelli, Esq., counsel for Dr. Soni.

**Board Action: 5/3/17** – On motion of Dr. Barr, seconded by Dr. Fanciullo, approve Motion to Continue and schedule hearing for July 5, 2017 at 1:00 P.M.

**Board Action: 6/7/17** – Attorney Cusack informed the Board that Attorney Pignatelli contact her to see if there was a possibility of Dr. Soni withdrawing her application for license as she may not have a job in N.H. On motion of Dr. Dibble, seconded by Mr. Sullivan, continue hearing now scheduled for July to a date to be determined pending information from Attorney Pignatelli regarding Dr. Soni's potential request for withdrawal. Unanimous.

**6/9/17** – Attorney Pignatelli confirmed that Dr. Soni will attend the hearing on July 5, 2017.

**Board Action: 7/5/17** – Hearing held. Tabled. Ms. Taylor will provide a draft order and a “conditional” license template for review at the Board's August 2, 2017 meeting. *Dr. Dibble was present for this discussion and vote.* 5-2 motion carries.

**07/11/17** – *Shashibala Soni, M.D.'s Proposed Findings of Fact and Conclusions of Law* for the Board's review.

**07/21/17** – *Shashibala Soni, M.D.'s Motion to Delay Ruling* for the Board's review.

**Board Action: 8/2/17** – On motion of Mr. Sullivan, seconded by Dr. Dibble, allow delay in ruling until the Board's November 1, 2017 meeting. Unanimous. On motion of Dr. Dibble, seconded by Dr. Conway, Board voted that the financial information included with Shashibala Soni, M.D.'s Motion to Delay Ruling (“Motion”) will be treated as confidential and Dr. Soni has ten (10) days from the date of the Order delaying ruling to explain why the Motion itself should be treated as confidential under Med 206.03 of the Board of Medicine Regulations and Rule 408 of the New Hampshire Rules of Evidence, and/or Med 206.05 or Med 407.02. 6-1 motion carries. On motion of Dr. Dibble, seconded by Dr. Fanciullo, Board will address the *Proposed Findings of Fact and Conclusions of Law* summarily and deal with them in the body of the Final Order. Unanimous.

## **HEARINGS WITH DATE TO BE DETERMINED:**

**MASEWIC, Matthew J., M.D.** – Hearing continued. Date to be determined.

**Docket #: 16-04**

Cases included: 2015-276, 2015-366, 2015-424, 2016-65 and 2016-222.

*Dr. Rosenthal recused.*

*Mr. Waters is the Presiding Officer*

*Matthew Mavrogeorge, Esq. and Michelle Heaton, Esq. are Hearing Counsel from APU*

**Board Action: 04/27/16** - On motion of Mr. Waters, seconded by Dr. Wheeler, the Board voted to approve the Order of Emergency Conditional License Suspension and Notice of Hearing in regards to Dr. Matthew J. Masewic. The hearing is scheduled for May 4, 2016 at 1:00 P.M. Mr. Waters will be the Presiding Officer. Approved by a roll call vote of members present:

Dr. Barr	Yes
Dr. Baker	Yes
Dr. Wheeler	Yes
Mr. Sullivan	Yes
Mr. Waters	Yes

**04/29/16** – *Appearance* from Attorneys Sarah Murdough and Peter Meyer.

**04/29/16** – *Hearing Counsel's Assented to Motion to Approve Preliminary Agreement for Practice Restrictions and Continue Hearing.*

**05/02/16** – *Order Granting Continuance.*

**05/02/16** – *Procedural Order* scheduling a prehearing conference for Wednesday, May 4, 2016 at 1:00 P.M.

**05/02/16** – *Preliminary Agreement for Practice Restrictions* issued.

**Board Action: 5/4/16** – On motion of Dr. Barr, seconded by Dr. Andelman, Board ratifies the *Preliminary Agreement for Practice Restrictions*, the continuance of the hearing and the scheduling of a prehearing conference. Unanimous.

**06/08/16** – Renewal Application dated June 7, 2016 received from Dr. Masewic.

**09/06/16** – *Notice of Hearing to Show Cause ("NOH to Show Cause")* was issued regarding the license renewal application of Dr. Masewic to show cause to the Board why Dr. Masewic's application to renew his license should be approved. This *NOH to Show Cause* states that this is consolidated with the *Order of Emergency Conditional License Suspension and Notice of Hearing*, Docket No. 16-04, and that the Applicant shall appear before the Board at the date and time established by the Presiding Officer for the hearing on the *Order of Emergency Conditional License Suspension* and will be taken up following the hearing on Docket No. 16-04.

**VIDAVER, Robert C., M.D.** – Hearing not scheduled.

**Docket #: 15-04**

*Dr. Rosenthal 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. Rosenthal 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.