

MINUTES

September 6, 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: Michael Barr, M.D., President of the Board; 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: N/A.

Motion to commence 1st non-public session:

On motion of Dr. Fanciullo, seconded by Mr. Sullivan, 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.

1st NON-PUBLIC SESSION:

[Minutes kept separately]

Motion to keep minutes of 1st non-public session confidential:

Upon the motion of Dr. Potenza and the second of Mr. Sullivan, 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 Mr. Sullivan, the Board voted to go into public session.

**MINUTES
PUBLIC SESSION
BOARD OF MEDICINE
September 6, 2017**

MEETINGS/INTERVIEWS/HEARINGS WITH THE BOARD:

Hearing regarding Edward Williams, M.D. and Kasey Dillon, P.A., Docket #16-07. Board Action: 9/6/17 – Hearing held.

Actions authorized during 1st non-public session:

I. NEW APPLICATIONS:

PHYSICIAN LICENSES: Board Action: 9/6/17 – On motion of Dr. Dibble, seconded by Dr. Fanciullo, approve for full license. Unanimous.

ANDERSON, Daniel R., M.D. – General Surgery (Board Certified) – University of North Dakota School of Medicine and Health Sciences, 2004.

BAINNISON, Andrew N., M.D. – Ophthalmology (Board Certified) – Suny Downstate Medical Center, 1990.

D'ANGELO, Marc S., M.D. – Neurology (Board Certified) – Universidad Autonoma De Guadalajara in Mexico, 1980.

HEILMAN, Lloyd D., M.D. – Diagnostic Radiology (Board Certified) – University of Medicine and Dentistry of New Jersey Medical School, 1975.

KAMAT, Sunil G., M.D. – Critical Care Medicine (Board Certified) – K.S. Somaiya Medical College in India, 2005.

KASIRAJAN, Lakshmipriya, M.D.- Critical Care Medicine (Board Certified) – Medical College, Madurai University in India, 1995.

KUONG, Sharon J., M.D. – Diagnostic Radiology (Board Certified) – Tufts University School of Medicine, 1998.

MOORTHY, Meena K., M.D. – Diagnostic Radiology (Board Certified) – University of Rochester School of Medicine, 2007.

MORAN, Thea C., M.D. – Diagnostic Radiology (Board Certified) – University of South Alabama College of Medicine, 1994.

PHAM, Andrea J., D.O. – Emergency Medicine – Des Moines University Osteopathic Medical Center, 2011.

SAYEED, Yusef A., M.D. – Preventive Medicine (Board Certified) – University of Kentucky College of Medicine, 2009.
Board Action: 9/6/17 – On motion of Dr. Barr, seconded by Dr. Potenza, request Dr. Sayeed contact Sally Garhart, Medical Director of the NH Professionals Health Program. Unanimous.

SHANLIKIAN, George H., M.D. – Internal Medicine (Board Certified) – Wayne State University School of Medicine, 2005.

VERMA, Vijay, M.D. – Physical Medicine & Rehabilitation (Board Certified) – Vijayanagara Institute of Medical Sciences/Bellary India, 1972.

PHYSICIAN

REINSTATEMENT LICENSES: Board Action: 9/6/17 – On motion of Dr. Dibble, seconded by Dr. Fanciullo, approve for reinstatement of license. Unanimous.

HEAD, James E., M.D. – Diagnostic Radiology (Board Certified) – Duke University School of Medicine, 2008.

PHYSICIAN LOCUM

TENENS LICENSES: Board Action: 9/6/17 – On motion of Dr. Dibble, seconded by Dr. Fanciullo, approve for locum tenens license. Unanimous.

LEAVITT, Lewis, M.D.
STEWART, Edward, Jr., M.D.

PHYSICIAN ASSISTANT

LICENSES: Board Action: 9/6/17 – On motion of Dr. Dibble, seconded by Dr. Fanciullo, approve for full license. Unanimous.

DILLAVOU, Steven K., P.A.

PHYSICIAN ASSISTANT

REINSTATEMENT LICENSES: Board Action: 9/6/17 – On motion of Dr. Dibble, seconded by Dr. Fanciullo, approve for reinstatement of license. Unanimous.

SILTA, Katherine A., P.A.

CONSENT

PHYSICIAN LICENSES: Board Action: 9/6/17 – Tabled for additional information. Unanimous.

OBI, Loretta A., M.D. – Internal Medicine (Board Certified) – Suny Downstate Medical Center, 2006.

CONSENT PHYSICIAN

TEMPORARY LICENSES: Board Action: 9/6/17 – On motion of Dr. Dibble, seconded by Dr. Fanciullo, approve for temporary license. Unanimous.

KHAN, Mansoor A., M.D. – Emergency Medicine (Board Certified) – State University of New York at Stony Brook Health Sciences Center School of Medicine, 2001.

MAAN, Mohender S., M.D. – Internal Medicine (Board Certified) – University College of Medical Sciences & Guru Teg Bahadur Hospital, University of Delhi in India, 1996.

CONSENT

PHYSICIAN LICENSES: Board Action: 9/6/17 – On motion of Dr. Dibble, seconded by Dr. Fanciullo, approve for full license. Unanimous.

ABEYSINGHE, Champa D., M.D. – Internal Medicine (Board Certified) – University of Colombo in Sri Lanka, 1983.

AMELL, Fredrik B., M.D. – Internal Medicine – State University of New York at Stony Brook Health Science Center School of Medicine, 2014.

ANDREWS, Robert S., M.D. – Diagnostic Radiology (Board Certified) – Uniformed Services University of the Health Sciences, 1999.

BAHHUR, Thabit M., M.D. – Emergency Medicine (Board Certified) – Ross University in Dominica, 1982.

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

BARRY, Christin J., M.D. – Emergency Medicine – State University of New York Health Science Center at Brooklyn College of Medicine, 2013.

BURNS, Jarrett M., D.O. – Emergency Medicine (Board Certified) – New York College of Osteopathic Medicine, 2006.

CACHECHO, Riad, M.D. – General Surgery (Board Certified) – University of Damascus in Syrian Arab Republic, 1976.

CHUNG, Edward K., M.D. – Psychiatry (Board Certified) – Duke University School of Medicine, 2003.

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

COPEMAN, Jaret M., D.O. – Emergency Medicine – College of Osteopathic Medicine & Surgery, 2012.

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

COYLE, Louis C., D.O. – Cardiovascular Disease (Board Certified) – Philadelphia College of Osteopathic Medicine, 1993.

CRUZ, Roma L., M.D. – Infectious Disease (Board Certified) – University of Santo Tomas in Philippines, 2004.

CULVER, Joanna L., M.D. – Internal Medicine – Loma Linda University School of Medicine, 2014.

DANIK, Stephan B., M.D. – Internal Medicine (Board Certified) – University of Medicine and Dentistry of New Jersey-New Jersey Medical School, 1998.

ETHERTON, Mark R., M.D. – Neurology (Board Certified) – University of Texas Southwestern Medical Center at Dallas, 2012.

FAWAZ, Ziad S., M.D. – Radiation Oncology – University of Montreal Faculty of Medicine in Canada, 2014.

FERRAND, David N., M.D. - Emergency Medicine (Board Certified) – University of Medicine and Dentistry of New Jersey, 2003.

GARCIA, Michael A., M.D. – Anesthesiology (Board Certified) – University of Rochester School of Medicine, 1988.

GREEN, Casey R., M.D. – Emergency Medicine – Creighton University school of Medicine, 2013.

GREEN, Leila J., M.D. – General Surgery (Board Certified) – Meharry Medical College School of Medicine, 2007.

HANNA, Bishoy S., M.D. – Internal Medicine – University of Maimi Miller School of Medicine, 2013.

JOSHI, Wandana, D.O. – Anesthesiology (Board Certified) – University of New England College of Osteopathic Medicine, 1986.

JUSTIS, Gina B., M.D. – Anesthesiology (Board Certified) – State University of New York at Buffalo School of Medicine and Biomedical Science, 1989.

KELLY, John E., M.D. – Internal Medicine (Board Certified) – Tulane University School of Medicine, 1976.

KIMMELSHUE, Katherine N., M.D. – Pathology (Board Certified) – Virginia Commonwealth University School of Medicine, 2005.

KLIGMAN, Brad E., M.D. – Ophthalmology – New York University School of Medicine, 2011.

KOEDAM, Tyler J., M.D. – Emergency Medicine (Board Certified) – University of South Dakota Sanford School of Medicine, 2013.

KOESTER, Beth L., M.D. – Family Practice (Board Certified) – University of Massachusetts Medical School, 1995.

KWAKU, Kevin F., M.D. – Cardiovascular Disease (Board Certified) – Columbia University College of Physician & Surgeons, 1999.

LEVIN, Adam H., D.O. – Emergency Medicine (Board Certified) – A.T. Still University School of Osteopathic Medicine in Arizona, 2012.

L'HEUREUX, Abby H., M.D. – Family Practice – Mayo Medical School, 2014.

MANGUAL, Theresa Y., M.D. – OB/GYN (Board Certified) – University of Puerto Rico School of Medicine, 1981.

MARANGOZ, Mehmet S., M.D. – Internal Medicine (Board Certified) – Trakya Universitesi in Turkey, 2010.

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

MURRAY, Christopher B., D.O. – Otolaryngology (Board Certified) – University of New England College of Osteopathic Medicine, 1989.

NAWFEL, Sam M., D.O. – Osteopathic Manipulative Medicine (Board Certified) – University of New England College of Osteopathic Medicine, 1987.

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

PULLMAN, I. Orion, M.D. - Emergency Medicine (Board Certified) – Temple University School of Medicine, 2011.

RAHIMI, Karim M., M.D. – Internal Medicine (Board Certified) – Kabul Medical Institute in Afghanistan, 2006.

RAELSON, Colin A., M.D. – Internal Medicine – Cornell University Medical College, 2014.

TOYOHARA, Jennifer P., M.D. – Dermatology (Board Certified) – Columbia University College of Physicians & Surgeons, 2006.

WILSON HALL, Nicole M., D.O. - Family Practice (Board Certified) – A.T. Still University, Kirksville College of Osteopathic Medicine, 2008.

WOOD, Rebecca M., M.D. – Internal Medicine – Tufts University School of Medicine, 2014.

YEATERMEYER, Jessica M., M.D. – Psychiatry (Board Certified) – University of Colorado School of Medicine, 2009.

CONSENT PHYSICIAN

REINSTATEMENT LICENSES: Board Action: 9/6/17 – On motion of Dr. Dibble, seconded by Dr. Fanciullo, approve for reinstatement of license. Unanimous.

GREENSTEIN, David S., M.D. – Dermatology (Board Certified) – University of Pennsylvania School of Medicine, 1991.

JOHNSON, Blair R., M.D. – Internal Medicine (Board Certified) – Tufts University, 1996.

PACHECO, James S., D.O. – Family Practice (Board Certified) – University of New England College of Osteopathic Medicine, 1994.

PISICK, Barry M., M.D. – Critical Care Medicine (Board Certified) – University of Louvain in Belgium, 1977.

CONSENT PHYSICIAN

ASSISTANT LICENSES: Board Action: 9/6/17 – On motion of Dr. Dibble, seconded by Dr. Fanciullo, approve for full license. Unanimous.

AMPONSAH, Kwabena, P.A.

IANNAZZI, Alaina M., P.A.

KHATRICHETTRI, Armit, P.A.

MENKE, Laura, P.A.

PACETTI, Emily L., P.A.

PICONE, James V., P.A. (**Pending RSP/ARSP**)

SMITH, Sharon S., P.A.

VEACH-JANIN, Jody J., P.A.

WESMILLER, Jessica A., P.A.

CONSENT PHYSICIAN ASSISTANT

REINSTATEMENT LICENSES: Board Action: 9/6/17 – On motion of Dr. Dibble, seconded by Dr. Fanciullo, approve for reinstatement of license. Unanimous.

CASCADDEN, Joshua A., P.A. (**Pending ARSP**)

SIMON, Miriam, P.A.

II. Draft Minutes from the August 2, 2017 Board meeting. Board Action: 9/6/17 – On motion of Dr. Dibble, seconded by Dr. Fanciullo, 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. **Board Action: 9/6/17** – 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. **Board Action: 9/6/17** – On motion of Dr. Barr, seconded by Dr. Fanciullo, approve proposed modification to the Board’s opioid prescribing CME requirement, submitted by James Potter, NH Medical Society. Unanimous.

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. **8/7/17** – E-mail from Ms. RiccoJonas indicating she cannot meet with the Board in September, but would be happy to meet with the Board at its October meeting. **Board Action: 9/6/17** – On motion of Mr. Sullivan, seconded by Dr. Fanciullo, invite Ms. RiccoJonas to the Board’s October 4, 2017 meeting at 10:00 A.M. Unanimous.

T5. 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.

08/24/17 – Request from Dr. Cary to reverse the Board’s decision regarding the late fee of \$350. **Board Action: 9/6/17** – On motion of Mr. Sullivan, seconded by Dr. Potenza, denied. The Board stands by its prior decision. Unanimous.

V. PUBLIC - NEW BUSINESS:

A. Informational:

1. Article from the Federation of State Medical Boards *Journal of Medical Regulation* entitled “A Census of Actively Licensed Physicians in the United States, 2016.” Board Action: 9/6/17 – On motion of Mr. Sullivan, seconded by Dr. Potenza, accept and file. Unanimous.

B. Action Items:

1. August 7, 2017 e-mail from Bradley Libenson, D.O. including the remaining CME certificates required of him in his Settlement Agreement with the Board dated August 8, 2016. Board Action: 9/6/17 – On motion of Dr. Barr, seconded by Mr. Sullivan, accept CMEs and inform Dr. Libenson that this completes his requirements of his Settlement Agreement with the Board dated August 8, 2016. Unanimous.

2. August 9, 2017 e-mail from Paul C. Smith, Clerk of the House, requesting a representative appointed by the Board to serve on the statutory/study committee: Commission to Study Allowing Pharmacists to Prescribe or Make Available Via Protocol Oral Contraceptives and Certain Related Medications, established by HB 264. 8/22/17 – August 22, 2017 e-mail from Valerie Acres, Director of Advocacy, NH Medical Society, requesting the Board appoint Amy Schneider, M.D. to this Commission. Board Action: 9/6/17 – On motion of Dr. Dibble, seconded by Mr. Sullivan, appoint Dr. Schneider to the Commission to Study Allowing Pharmacists to Prescribe or Make Available Via Protocol Oral Contraceptives and Certain Related Medications. Unanimous.
3. August 25, 2017 e-mail from Shelly Knutson, Licensure Liaison, Mayo Clinic, requesting approval for three NY Opioid CME courses entitled “Prescriber Education for Extended-Release and Long-Acting Opioid Analgesics,” “Prescription Drug Overdose (PDO) Prevention Program” and “Managing Pain and Opioid Use: An Educational Program on Compliance With NYS Prescribing Laws” to satisfy the requirements of RSA 318-B:40. Board Action: 9/6/17 – On motion of Mr. Sullivan, seconded by Dr. Fanciullo, approve and put on website. Unanimous.
4. August 28, 2017 e-mail from Travis Harker, M.D. requesting approval of an in-person opioid prescribing CME for Granite Health: one hour will focus on acute pain and the post-surgical patient and the other hour will focus on safe and evidence based ways to taper. Board Action: 9/6/17 – On motion of Dr. Fanciullo, seconded by Mr. Sullivan, approve and put on website. Unanimous.
5. August 28, 2017 letter from Greg Thompson, M.D. requesting approval to have two separate consultant-mentors instead of one consultant. Also included are CMEs for the Board’s approval to satisfy the terms of his Settlement Agreement. Board Action: 9/6/17 – On motion of Dr. Dibble, seconded by Dr. Conway, accept request to approve two separate consultant-mentors instead of one consultant. Unanimous. On motion of Dr. Barr, seconded by Dr. Baker, the CMEs submitted for the medical ethics requirement of Dr. Thompson’s Settlement Agreement are approved, however, he will still need one more hour. Unanimous.

VI. OTHER PUBLIC ORDERS ISSUED:

CROTEAU, Rachel E., D.O. – Settlement Agreement.

Board Action: 09/6/17 – On motion of Dr. Fanciullo, seconded by Dr. Dibble, approve Settlement Agreement. 7-1 motion carries.

THOMPSON, Greg R., M.D. – Settlement Agreement.

Board Action: 09/6/17 – On motion of Dr. Dibble, seconded by Dr. Baker, approve Settlement Agreement. Unanimous.

VII. DISCIPLINARY PROCEEDINGS:

HEARINGS SCHEDULED:

KNIGHT, Eric, M.D. – Hearing scheduled for November 1, 2017 at 1:00 P.M.

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.

GIORDANO, Geoffrey M., D.O. – Hearing scheduled for November 1, 2017 at 2:00 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.

06/14/17 – *Notice of Hearing* issued.

06/30/17 – *Notice of Appearance* filed by Peter A. Meyer, Esq., Sulloway & Hollis, PLLC.

Board Action: 09/6/17 – On motion of Dr. Barr, seconded by Mr. Sullivan, move November 1, 2017 hearing to 2:00 P.M. Unanimous.

HEARINGS HELD PENDING FINAL DISPOSITION:

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.

04/10/17 – *Order to Show Cause and Notice of Hearing* issued.

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.

05/15/17 – *Order of Continuance* issued.

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.

06/23/17 – *Shashibala Soni, M.D.'s Exhibit List*.

06/23/17 – *Shashibala Soni, M.D.'s Witness List*.

06/26/17 – *Shashibala Soni, M.D.'s Exhibit List*.

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 on Request For Reconsideration of Order of Conditional Denial (Confidentiality Requested)* 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.

08/07/17 – *Order on Motion to Delay Ruling on Request for Reconsideration of Order of Conditional Denial* approving the Motion to Delay Ruling and giving Dr. Soni 10 days 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.

08/11/17 – *Shashibala Soni, M.D.'s Motion to Treat as Confidential Her Motion to Delay Ruling on Request for Reconsideration of Order of Conditional Denial*.

Board Action: 9/6/17 – On motion of Mr. Sullivan, seconded by Dr. Baker, deny *Shashibala Soni, M.D.'s Motion to Treat as Confidential Her Motion to Delay Ruling on Request for Reconsideration of Order of Conditional Denial* except that the attachments to the *Motion to Delay Ruling on Request for Reconsideration of Order of Conditional Denial* that include financial information are confidential. Unanimous.

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.

Board Action: 09/6/17 – On motion of Dr. Dibble, seconded by Dr. Fanciullo, approve Final Decision and Order. 6-1 motion carries.

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 and Dr. Conway 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.

08/02/17 – *Motion of the Respondents to Disqualify Hearing Counsel's Expert Reviewer.*

08/11/17 – *Objection to Respondents' Motion to Disqualify Hearing Counsel's Expert.*

08/14/17 – *Order Denying Motion of the Respondents to Disqualify Hearing Counsel's Expert Reviewer.*

08/14/17 (Received Date) – *Joint List of Witnesses and Exhibits.*

Board Action: 09/6/17 – Hearing held and completed. No need for hearing on October 4, 2017.

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.