

MINUTES

October 4, 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. Conway, seconded by Dr. Baker, the Board voted to conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct 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 Mr. Sullivan 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 Mr. Sullivan, seconded by Dr. Wheeler, the Board voted to go into public session.

Motion to commence 2nd non-public session:

On motion of Dr. Conway, seconded by Dr. Baker, 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.

2nd NON-PUBLIC SESSION:

[Minutes kept separately]

Motion to keep minutes of 2nd non-public session confidential:

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

**MINUTES
PUBLIC SESSION
BOARD OF MEDICINE
October 4, 2017**

MEETINGS/INTERVIEWS/HEARINGS WITH THE BOARD:

10:00 A.M. – Meeting with Michelle RiccoJonas, Program Manager, NH Prescription Drug Monitoring Program (“PDMP”), to discuss the changes to the PDMP. Board Action: 10/4/17 – Discussed the new changes to the program. This program went from RxSentry to AWAARxE system (Appriss).

11:45 A.M. – Meeting with Nick Perencevich, M.D., Physician Investigator. . Board Action: 10/4/17 – Dr. Perencevich discussed the following with the Board:

1. Symposium to be held on December 6, 2017 from 12-1pm. Dr. Perencevich would like to discuss closed cases and NFA letters including guidance to the licensee.
2. JMR Journal – Dr. Perencevich would like all Board and MRSC members to receive this journal. Ms. Taylor will reach out to the FSMB and ask if they can send to everyone.
3. NH Medical Society bi-monthly newsletter.
4. Course on Risk Management Update in Massachusetts.

Dr. Fanciullo left the meeting.
--

Actions authorized during 2nd non-public session:

I. NEW APPLICATIONS:

TEMPORARY

PHYSICIAN LICENSES: Board Action: 10/4/17 – On motion of Mr. Sullivan, seconded by Dr. Baker, approve for temporary license. Unanimous.

JOSEPH, Jeffrey A., D.O. – Emergency Medicine (Board Certified) – Philadelphia College of Osteopathic Medicine, 1983.

TANUR, Marcia V., M.D. – Family Practice (Board Certified) – Albany Medical College, 1990.

PHYSICIAN LICENSES: Board Action: 10/4/17 – On motion of Mr. Sullivan, seconded by Dr. Baker, approve for full license. Unanimous.

ELLINGTON, Kenneth R., M.D. – Anesthesiology (Board Certified) – University of North Carolina at Chapel Hill School of Medicine, 1986.

FALLON, Christopher M., M.D. – Family Practice – St. Matthew’s University in Cayman Island, 2012.

FIEGE, Angela Bellamy, M.D. – Emergence Medicine (Board Certified) – Indiana University School of Medicine Indianapolis, 2005.

GUYOT, Anne M., M.D. – Neurology (Board Certified) – Wayne State University, 1988.

LYNCH, Beverly J., M.D. – Pathology (Board Certified) – University of Nevada School of Medicine, 1995. **Issue Administrative License.**

MANCHERJE, Michelle S., M.D. – Family Practice (Board Certified) – St. Georges University in Grenada, West Indies, 2014.

TURK, David S., M.D. – Urology (Board Certified) – University of Toledo College of Medicine, 1994.

WOLFF, Noall E., M.D. – Family Practice – University of Alberta Faculty of Medicine and Dentistry in Canada, 1969. **Petition from Dr. Wolff to waive requirement of completion of 2 years of postgraduate training.** Board Action: 10/4/17- On motion of Mr. Sullivan, seconded by Dr. Potenza, approve waiver. Unanimous.

PHYSICIAN LICENSES: Board Action: 10/4/17 – On motion of Mr. Sullivan, seconded by Dr. Potenza, request additional information from Dr. Cotter, Buffalo General Hospital and University of Minnesota. Unanimous.

COTTER, Asolfo, M.D. – Neurology – Universidad Central De Venezuelas – Luis Raetti, 1993.

PHYSICIAN

REINSTATEMENT LICENSES: Board Action: 10/4/17 – On motion of Mr. Sullivan, seconded by Dr. Baker, approve for reinstatement of license. *Dr. Potenza recused.* All others concurred.

HORRIGAN, Andrew C., M.D. – Psychiatry (Board Certified) – University of Toledo, 2003.

CONSENT PHYSICIAN

TEMPORARY LICENSES: Board Action: 10/4/17 – On motion of Mr. Sullivan, seconded by Dr. Baker, approve for temporary license. Unanimous.

GREGG, Herbert E., M.D. – Neurology (Board Certified) – Ohio State University College of Medicine, 2002.

RECH, Alicia E., D.O. – Emergency Medicine (Board Certified) – Lake Erie College of Osteopathic Medicine, 2010.

RIZVI, Waqar, M.D. – Psychiatry (Board Certified) – St. Matthew’s University in Cayman Islands, 2009.

SIDDIQI, Usaima N., D.O. – Emergency Medicine (Board Certified) – Western University of Health Sciences, College of Osteopathic Medicine of the Pacific, 2011.

CONSENT

PHYSICIAN LICENSES: Board Action: 10/4/17 – On motion of Mr. Sullivan, seconded by Dr. Baker, approve for full license. Unanimous.

ATCHINSON, Patricia R., D.O. – Emergency Medicine – University of New England College of Osteopathic Medicine, 2014.

AUSTIN, Susan M., M.D. – Orthopaedic Surgery (Board Certified) – University of Tennessee Memphis College of Medicine, 1989.

CHALICHEEMALA, Yasolatha, M.D. – Internal Medicine (Board Certified) – Andhra Medical College in India, 2007.

CLYNE, Christopher A., M.D. – Internal Medicine (Board Certified) – Suny Upstate University of New York, 1983.

COWDREY, Molly C. E., M.D. – Dermatology – State University of New York at Buffalo School of Medicine and Biomedical Science, 2014.

CUBILLOS, Leonardo, M.D. – Psychiatry – Colegio Mayor De Nuestra Senora Del Rosario in Colombia, 2000.

DEJESUS, Jennifer L., M.D. – Family Practice (Board Certified) – American University of the Caribbean, 2009.

DUFFY, Marit C., M.D. – Diagnostic Radiology (Board Certified) – Uniformed Services University of the Health Sciences, 2008.

ELIEZER, Caren B., D.O. - Internal Medicine (Board Certified) – University of New England College of Osteopathic Medicine, 2005.

EL-SABBAHY, Marwa A., M.D. – Internal Medicine (Board Certified) – University of Cairo in Egypt, 2007.

FISHKIN, Joseph D., M.D. – Ophthalmology (Board Certified) – Finch University of Health Sciences, 1998.

HARRIS, Benjamin A., D.O. – Emergency Medicine – Philadelphia College of Osteopathic Medicine, 1991.

HOFFMAN, Cara L., M.D. – OB/GYN (Board Certified) – University of Alabama School of Medicine, 1995.

JONES, Martin R., M.D. - Emergency Medicine (Board Certified) – University of Oklahoma Health Science Center, 2000.

JOSEPH, Manouchka T., M.D. - Internal Medicine (Board Certified) – University D’Etat D’Haiti, in Haiti, 2002.

JOSHI, Dhruv, M.D. - Internal Medicine (Board Certified) – St John’s Medical College and Hospital Bangalore University in India, 2007.

KASSAB, Christina, D.O. – Internal Medicine – Michigan State University College of osteopathic Medicine, 2009.

KHAN, Faud, M.D. – Psychiatry (Board Certified) – Khyber Medical College, Universtiy of Peshwar in Pakistan, 1990.

MAAN, Mohender S., M.D. - Internal Medicine (Board Certified) –University College of Medical Sciences & Guru Teg Bahadur Hospital in India, 1995.

MARTIN, Andres E. Jr., - M.D. – Psychiatry – Universidad Central Del Este in Dominican Republic, 1984.

MILLER, Garth A., M.D. – General Surgery (Board Certified) – University of Kentucky College of Medicine, 1979.

NAAZ, Uzma, M.D. – Internal Medicine (Board Certified) – Bangalore Medical College in India, 2000.

OSSA CONCHA, Jose A., M.D. – Critical Care Medicine (Board Certified) – Pontificia Universidad Javeriana in Colombia, 2002.

PORTER, Eleah D., M.D. – General Surgery – American University of the Caribbean in Saint Maarten, 2014.

TRACY, Molly M., M.D. – Neurology (Board Certified) – University of Minnesota Medical School-Minneapoli, 2003.

TROOBOFF, Spencer W., M.D. – General Surgery – Ohio State University College of Medicine and Public Health, 2015.

VOLK, William R., M.D. – Orthopeadic Surgery (Board Certified) – George Washington University School of Medicine and Health Sciences, 2007.

WINDHAM, William A., M.D. – Anesthesiology (Board Certified) – Baylor College of Medicine, 1986.

CONSENT

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. 9/27/17 – Received a letter from Philadelphia College indicating they made an error when they reported to FCVS. Dr. Matta **did not** have academic remediation as a student. **Board Action: 10/4/17** – On motion of Mr. Sullivan, seconded by Dr. Baker, approve for full license. Unanimous.

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

CONSENT

PHYSICIAN LICENSES: Board Action: 9/6/17 – Tabled for additional information. Unanimous. **Board Action: 10/4/17** – On motion of Mr. Sullivan, seconded by Dr. Baker, approve for full license. Unanimous.

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

CONSENT PHYSICIAN

REINSTATEMENT LICENSES: Board Action: 10/4/17 – On motion of Mr. Sullivan, seconded by Dr. Baker, approve for reinstatement of license. Unanimous.

CLARK, Kelly J., M.D. – Psychiatry (Board Certified) – University of Wisconsin School of Medicine and Public Health, 1989.

MILLER, Maurice M., M.D. – Diagnostic Radiology (Board Certified) – University of Maryland, 1990.

RINTEL, Theodor D., M.D. – Anesthesiology (Board Certified) – George Washington University, 1978

CONSENT PHYSICIAN

ASSISTANT LICENSES: Board Action: 10/4/17 – On motion of Mr. Sullivan, seconded by Dr. Baker, approve for full license. Unanimous.

DUSSEAULT, Jill R., P.A.
KIRATA, Shireen J., P.A.
MERRILL, Kimberly A., P.A.
NIEMI, Marcus C., P.A.
SPINELLI, Jessica M., P.A. (**Pending RSP/ARSP**)
WILLIAMS, Corey D., P.A.

CONSENT PHYSICIAN ASSISTANT

REINSTATEMENT LICENSES: Board Action: 10/4/17 – On motion of Mr. Sullivan, seconded by Dr. Baker, approve for reinstatement of license. Unanimous.

HERRON, Alyssa C., P.A. (**Pending RSP/ARSP**)

COMPACT

PHYSICIAN LICENSES: To be ratified by the Board at its October 4, 2017. Board Action: 10/4/17 – On motion of Mr. Sullivan, seconded by Dr. Baker, ratified full license. Unanimous.

BLUNCK, Joshua T., D.O. – Radiology (Board Certified) – Des Moines University, 2005. Issued: 9/26/2017.

BROWN, Jennifer L., M.D. – Family Practice (Board Certified) – Marshall University School of Medicine, 2000. Issued: 9/27/2017.

MCGRAW, Kristina M., D.O. - Family Practice (Board Certified) – West Virginia School of Osteopathic Medicine, 2010. Issued: 9/27/2017.

SALVATORE, Jaime K., D.O. – Radiology (Board Certified) - West Virginia School of Osteopathic Medicine, 2010. Issued: 9/27/2017.

II. Draft Minutes from the September 6, 2017 Board meeting. Board Action: 10/4/17 – On motion of Dr. Dibble, seconded by Dr. Baker, approved. Unanimous.

Draft Minutes from the September 12, 2017 Emergency Board meeting. Board Action: 10/4/17 – On motion of Dr. Dibble, seconded by Mr. Sullivan, approved. *Dr. Barr abstained.* All others concurred.

Draft Minutes from the September 22, 2017 Emergency Board meeting. Board Action: 10/4/17 – On motion of Dr. Dibble, seconded by Mr. Sullivan, approved. *Dr. Barr abstained.* All others concurred.

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. **Board Action: 10/4/17** – 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.** 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. **Board Action: 10/4/17** - Discussed the new changes to the program. This program went from RxSentry to AWARxE system (Appriss).

V. PUBLIC - NEW BUSINESS:

A. Informational:

B. Action Items:

1. September 11, 2017 e-mail from Barry Gendron, D.O. requesting approval of a course entitled “Explain Pain” scheduled for April 2018 to satisfy the requirements of RSA 318-B:40. Board Action: 10/4/17 – On motion of Dr. Dibble, seconded by Dr. Baker, this course does not reference opioid prescribing for the management or treatment of pain, or for the treatment of opioid use disorders, and therefore does not meet the requirement. Unanimous.

2. August 30, 2017 letter from James H. Clifford, M.D. with documentation of CME required by his Settlement Agreement with the Board dated September 14, 2016. Board Action: 10/4/17 – On motion of Dr. Barr, seconded by Dr. Baker, accept and file. Inform Dr. Clifford that he has satisfied the requirements of his Settlement Agreement with the Board date September 14, 2016. Unanimous.
3. September 19, 2017 letter from Malcolm S. Beaudett, M.D. requesting approval to be the “consultant” for Greg Thompson, M.D. as outlined in his Consent Order with the Board dated December 14, 2016. 09/24/17 – Follow-up letter from Malcolm S. Beaudett, M.D. regarding supervision of Dr. Thompson when/if he is able to return to the practice of medicine. Board Action: 10/4/17 – On motion of Dr. Dibble, seconded by Dr. Conway, approve Dr. Beaudett as a practice monitor for Dr. Thompson pursuant to his Consent Order with the Board dated December 14, 2016. Unanimous.

VI. OTHER PUBLIC ORDERS ISSUED:

BECK, Adam P., M.D. – Settlement Agreement.

Board Action: 10/4/17 – On motion of Dr. Barr, seconded by Mr. Sullivan, approve Settlement Agreement. Unanimous.

KONOPKA, Anna M., M.D. – Voluntary Surrender of License.

Board Action: 10/4/17 – On motion of Dr. Barr, seconded by Dr. Potenza, deny request for an extension of time and ratify the issuance of the *Voluntary Surrender of License*. Unanimous.

VII. DISCIPLINARY PROCEEDINGS:

HEARINGS SCHEDULED:

KNIGHT, 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.

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.

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

Case included: 2015-207.

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.