

MINUTES

September 5, 2018

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., President; Daniel P. Potenza, M.D., Vice President; John H. Wheeler, D.O.; Michael Barr, M.D.; David C. Conway, M.D.; Gilbert J. Fanciullo, M.D.; Jonathan Ballard, MD, MPH, DHHS Medical Director; Susan M. Finerty, P.A.; Nina C. Gardner, Public Member and Donald L. LeBrun, Public Member. Absent was: N/A.

Motion to commence 1st non-public session:

On motion of Dr. Fanciullo, seconded by Ms. Gardner, the Board voted to conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct 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 Dr. Barr, 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. Barr, the Board voted to go into public session.

Motion to commence 2nd non-public session:

On motion of Dr. Barr, seconded by Ms. Finerty, 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 Dr. Wheeler and the second of Dr. Potenza, 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. Wheeler, seconded by Dr. Potenza, the Board voted to go into public session.

Motion to commence 3rd non-public session:

On motion of Dr. Barr, seconded by Ms. Finerty, 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.

3rd NON-PUBLIC SESSION:

[Minutes kept separately]

Motion to keep minutes of 3rd non-public session confidential:

Upon the motion of Dr. Wheeler and the second of Dr. Potenza, 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. Wheeler, seconded by Dr. Potenza, the Board voted to go into public session.

**MINUTES
PUBLIC SESSION
BOARD OF MEDICINE
September 5, 2018**

MEETINGS/INTERVIEWS/HEARINGS WITH THE BOARD:

11:00 A.M. – Peter Danles, Executive Director, OPLC, to discuss the PHP program.
Board Action: 9/5/18 – Board spoke with Executive Director Danles. Mr. Danles has indicated that the Request for Proposal (“RFP”) will go out for bid in 2019.

11:30 A.M. – Christopher Mertz, M.D. – Interview for the open position on the Medical Review Subcommittee. 9/3/18 – Dr. Perencevich notified Board Administrator that Dr. Mertz was no longer interested in the position.

12:00 P.M. – Hearing regarding Gayle M. Spelman, P.A. Board Action: 9/5/18 – Hearing held.

3:45 P.M. - Michael D. Bullek BSP, R.Ph, Administrator/Chief of Compliance, NH Board of Pharmacy, to discuss inspections of physician offices. Board Action: 9/5/18 – Mr. Bullek discussed inspections of physician offices with the Board. The Board indicated that they did not have jurisdiction to require the inspections, but supports the Pharmacy Board pursuant to its law that requires them to conduct these inspections.

4:00 P.M. – Tomasz Blaszcak, M.D. – Interview for the open position on the Medical Review Subcommittee. Board Action: 9/5/18 – On motion of Dr. Conway, seconded by Ms. Finerty, Board has chosen another candidate for the position. Keep Dr. Blaszcak’s CV on file for future openings. Unanimous.

Actions authorized during 2nd non-public session:

I. NEW APPLICATIONS:

PHYSICIAN LICENSES: Board Action: 9/5/18 – On motion of Dr. Potenza, seconded by Dr. Wheeler, approved for temporary license. Unanimous.

HOMEIER, Barbara P., M.D. – Pediatrics (Board Certified) – Jefferson Medical College of Thomas Jefferson University, 1995.

WEAVER, Kibwe A., M.D. – General Surgery (Board Certified) – Meharry Medical College School of Medicine, 2004.

PHYSICIAN LICENSES: Board Action: 9/5/18 – On motion of Dr. Potenza, seconded by Dr. Wheeler, approved for full license. Unanimous.

FLAHERTY, Michael J., M.D. – Diagnostic Radiology (Board Certified) – Texas Tech University Health Sciences Center School of Medicine, 1997.

JAROJE, Kumait, M.D. – Internal Medicine (Board Certified) – Al-Baath University in Syrian, 2009.

KHOURY, Michael G. II., D.O. – Diagnostic Radiology – Western University of Health Sciences College of Osteopathic Medicine of the Pacific, 2003.

MADRID, David J., D.O. – Pediatrics – University of North Texas Health Science Center, 2012.

O'BRIEN, John P., M.D. – Diagnostic Radiology (Board Certified) – University of Vermont College of Medicine, 1989.

PLUMB, Ellen J., M.D. – Family Practice (Board Certified) – Jefferson Medical College of Thomas Jefferson University, 2010.

CONSENT PHYSICIAN

TEMPORARY LICENSES: Board Action: 9/5/18 – On motion of Dr. Potenza, seconded by Dr. Wheeler, approved for temporary license. Unanimous.

ASSAF, Waaaim W., M.D. – Internal Medicine (Board Certified) – University of Tishreen in Syrian, 2004.

BROWNE, Brendan M., M.D. – Urology – University of Florida College of Medicine, 2013.

GROSSMAN, Marc M., M.D. – Emergency Medicine (Board Certified) – Suny Downstate Medical Center, 1997.

KAUFMAN, Jacob L., M.D. – Neurology (Board Certified) – Columbia University College of Physicians & Surgeons, 2010.

TSIROZIDOU, Irene I., M.D. – Internal Medicine (Board Certified) – University of Athens in Greece, 1990.

CONSENT

PHYSICIAN LICENSES: Board Action: 9/5/18 – On motion of Dr. Potenza, seconded by Dr. Wheeler, approved for full license. Unanimous.

ABRAHAM, Elizabeth, M.D. – Pediatrics (Board Certified) – Sidney Kimmel Medical College at Thomas Jefferson University, 2004.

ARCHIBALD, Luke, M.D. – Psychiatry (Board Certified) – Columbia University College of Physicians & Surgeons, 2009.

BHAGAVATH, Anita S., M.D. – Internal Medicine (Board Certified) – St. George's University in Grenada, 2012.

BOEPPLE, Paul A., M.D. – Pediatrics (Board Certified) – University of Vermont College of Medicine, 1980.

BOJARSKI, Emeric F., M.D. – Psychiatry (Board Certified) – Harvard Medical School, 2013.

DAILY, Michael F., M.D. – General Surgery (Board Certified) – University of Utah School of Medicine, 2000.

DANIEL, Nicholas J., D.O. – Emergency Medicine (Board Certified) – Des Moines University Osteopathic Medical Center, 2011.

DAYHIM, Fariba, M.D. – General Surgery (Board Certified) – Tehran University of Medical Sciences in Iran, 1993.

DUMONT, Frank D., M.D. – Internal Medicine (Board Certified) – University of Colorado School of Medicine, 1997.

EL CHAARANI, Bilal, M.D. – Internal Medicine – St. Georges University in Grenada, 2015.

ERICKSON, Sara J., M.D. – Internal Medicine (Board Certified) – Tufts University School of Medicine, 1988.

FAGIN, Alice M., M.D. – General Surgery (Board Certified) – Keck School of Medicine, 2005.

FUNDERBURG, Linda G., M.D. – Psychiatry (Board Certified) - University of Texas Health Science Center, 1982.

GOLD, Alex J., M.D. – Internal Medicine (Board Certified) – New York University School of Medicine, 2013.

GOULD, Stanley F., M.D. – OB/GYN (Board Certified) – Wayne State University School of Medicine, 1975.

HASSON, Rian M., M.D. – General Surgery (Board Certified) – Keck School of Medicine, 2008.

ISHTIAQ, Ahmer, M.D. – Internal Medicine (Board Certified) – Ross University in Dominica, 2013.

JAMPANI, Shanti, M.D. – Psychiatry (Board Certified) – Guntur Medical College, Nagarjuna University in India, 2002.

LIPSITZ, Mindy C., M.D. – Emergency Medicine – University of Alabama School of Medicine Birmingham, 2015.

MACKWOOD, Matthew B., M.D. – Family Practice (Board Certified) – Dartmouth Medical School, 2014.

MALHOTRA, Sonali, M.D. – Pediatric Endocrinology (Board Certified) – Indira Gandhi Medical College in India, 2008.

MANFREDI, Michael A., M.D. – Pediatrics (Board Certified) – Suny Downstate Medical College, 2000.

MUSSATTO, John A., M.D. – Anesthesiology – University of Kansas School of Medicine, 2016.

MUTHYALA, Admatha H., M.D. – Geriatric (Board Certified) – Kasturba Medical College, Manipal University in India, 2009.

NAIDOO, Umadevi, M.D. – Psychiatry (Board Certified) – University of Natal South Africa, 1992.

OLLAYOS, Curtis W., M.D. – Pathology (Board Certified) – University of Connecticut School of Medicine, 1988.

ONUGHA, Elizabeth A., M.D. – Pediatrics (Board Certified) – Enugu State University of Science and Technology College of Medicine, 2003.

POMPA, Scott, M.D. – Internal Medicine (Board Certified) – Ross University Dominican, 2011.

PRUDENT, Vasthie, M.D. – Psychiatry (Board Certified) – New York University School of Medicine, 2011.

RITTER, Marylynn P., M.D. – Pathology (Board Certified) – University of Florida College of Medicine, 1998.

ROSENFELD-BARBASH, Janis, M.D. – Diagnostic Radiology (Board Certified) – University of Texas Southwestern Medical Center at Dallas, 1990.

SAIYED, Natasha, M.D. – General Surgery – University of Illinois College of Medicine, 2013.

SEASTEDT, Kenneth P., M.D. – General Surgery (Board Certified) – Georgetown University School of Medicine, 2012.

SESSIONS, Raymond R., M.D. – Anesthesiology (Board Certified) – University of Florida College of Medicine, 1998.

SHEIBLEY, Daniel J., M.D. – Diagnostic Radiology (Board Certified) – Jefferson Medical College of Thomas Jefferson University, 2009.

SHOEMAKER, Alena K., M.D. – Family Practice (Board Certified) – Ohio State University College of Medicine, 2011.

SMYTHE, Jason J., M.D. – Diagnostic Radiology (Board Certified) – University of Michigan Medical School, 2004.

SPIRO, David M., M.D. – Pediatrics (Board Certified) – University of California School of Medicine, 1991.

STADLER, Catherine A., D.O. – Internal Medicine (Board Certified) – Lake Erie College of Osteopathic Medicine, 2012.

SURADI, Yazan M., M.D. – Neurology (Board Certified) – Misr University of Science & technology in Egypt, 2008.

THOMAS, Dylan D., M.D. – Internal Medicine (Board Certified) – Keck School of Medicine, 2013.

THOMPSON, Lauren P., M.D. – General Surgery – Georgetown University School of Medicine, 2012.

CONSENT PHYSICIAN

REINSTATEMENT LICENSES: Board Action: 9/5/18 – On motion of Dr. Potenza, seconded by Dr. Wheeler, approved for reinstatement of license. Unanimous.

HATHCOCK, Stephen A., M.D. – Family Medicine (Board Certified) – University of Arkansas for Medical Sciences College of Medicine, 1989.

MUDDANA, Srikant, M.D. – Gastroenterology (Board Certified) – University of Massachusetts, 2003.

CONSENT PHYSICIAN

ASSISTANT LICENSES: Board Action: 9/5/18 – On motion of Dr. Potenza, seconded by Dr. Wheeler, approved for full license. Unanimous.

BARKER, Amy E., P.A.

BATIS, Matthew J. II, P.A.

CANTORE, Brittany K., P.A.

GREALISH, Lindsey O., P.A.

KEANE, Erin F., P.A.
MASEDUCA, Aimee, P.A.
O'ROURKE, Meghan T., P.A.
OTT, Lauren R., P.A.
PROCTOR, Keira R., P.A.
SALVADOR, Gary B., P.A.
SAYWARD, Lindsay, P.A.
SOLIS, Prida D., P.A. **(Pending RSP/ARSP)**
TERAOKA, Lori M., P.A.
VALERAS, Demetrios, P.A.
WILLIAMS, Kyle D., P.A.

CONSENT PHYSICIAN ASSISTANT

REINSTATEMENT LICENSES: Board Action: 9/5/18 – On motion of Dr. Potenza, seconded by Dr. Wheeler, approved for reinstatement of license. Unanimous.

KING, Janice A., P.A. **(Pending RSP/ARSP)**
PATTERSON, Dixie L., P.A. **(Pending RSP/ARSP)**
WELCH, Megan S., P.A.

COMPACT

PHYSICIAN LICENSES: To be ratified by the Board at its September 5, 2018 meeting. Board Action: 9/5/18 – On motion of Dr. Potenza, seconded by Dr. Wheeler, Board ratified the following compact licenses for full license. Unanimous.

FEINZIMER, Benjamin A., D.O. – Emergency Medicine (Board Certified) – Chicago College of Osteopathic Medicine, 2008. License issued: 8/7/18.

FRICK, Katherine L., M.D. – OB/GYN – University of Texas Health Science Center San Antonio, 2008. License issued: 9/5/18.

GOODWIN, Anika S., M.D. – Ophthalmology (Board Certified) – Medical University of South Carolina, 2001. License issued: 9/4/18.

HOOD, Kyon A., M.D. – Pediatrics (Board Certified) – St. George's University School of Medicine in Grenada West Indies, 2001. License issued: 9/4/18.

HUSSAIN, Fatima, M.D. – Family Practice (Board Certified) – Medical University of the Americas, 2012. License issued: 9/4/18.

KEILER, Louis C., M.D. – Radiation Oncology (Board Certified) – University of Illinois at Chicago College of Medicine, 2003. License issued: 9/4/18.

LANCASTER, Nicholas D., M.D. – Ophthalmology (Board Certified) – University of Washington School of Medicine, 2012. License issued: 9/4/18.

MCCLOY, Thomas M., M.D. – Family Practice (Board Certified) – Tulane University, 2012. License issued: 8/20/18.

PELEHAC, Kenneth M., D.O. – General Surgery (Board Certified) – Chicago College of Osteopathic Medicine Midwestern University, 1990. License issued: 8/20/18.

PRIVETT, Brian K., M.D. – Ophthalmology (Board Certified) – University of Missouri – Columbia, 2007. License issued: 8/28/18.

STEVENS, Leigh A., M.D. – Anesthesiology (Board Certified) – Saba University School of Medicine, 2011. License issued: 9/4/18.

VARNER, Kyle B., M.D. – Internal Medicine (Board Certified) – American University of Antigua College of Medicine, 2012. License issued: 9/4/18.

II. Draft Minutes from the August 1, 2018 Board meeting. Board Action: 9/5/18 – On motion of Dr. Fanciullo, seconded by Ms. Gardner, approved. Unanimous.

Draft Minutes from the August 16, 2018 Subcommittee meeting. This subcommittee was to address license renewal questions. Board Action: 9/5/18 – On motion of Dr. Fanciullo, seconded by Ms. Gardner, 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. **Board Action: 10/4/17** – Tabled. **Board Action: 11/1/17** – Tabled. **Board Action: 12/6/17** – Tabled. **Board Action: 1/3/18** – Tabled. **Board Action: 2/7/18** – Tabled. **Board Action: 3/7/18** – Tabled. **Board Action: 4/4/18** – Tabled. **Board Action: 5/2/18** – Tabled. **Board Action: 6/6/18** – Tabled. **Board Action: 7/11/18** – Tabled. **Board Action: 8/1/18** – Tabled. **Board Action: 9/5/18** – On motion of Dr. Barr, seconded by Ms. Gardner, Ms. Taylor will make changes and bring back to Board in October. Unanimous.

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

Dr. Fanciullo left the meeting.

T3. July 11, 2018 quarterly report from Diane Biron, M.D. regarding Concetta R. Oteri-Ahmadpour, D.O., pursuant to Dr. Oteri-Ahmadpour’s Settlement Agreement with the Board dated March 20, 2018. **Board Action: 8/1/18** – On motion of Dr. Baker, seconded by Dr. Barr, tabled for the September 5, 2018 meeting. *Dr. Conway and Ms. Gardner recused.* All others concurred. **Board Action: 9/5/18** – On motion of Ms. Gardner, seconded by Mr. LeBrun, file. Unanimous.

T4. August 1, 2018 interview with Salvatore J. Vella, Jr., D.O. for the hospitalist/internist open position on the MRSC. **Board Action: 8/1/18** – Board interviewed Dr. Vella. Dr. Perencevich informed the Board that there will be one, possible two, more interviews for this position at the September meeting. **Board Action: 9/5/18** – On motion of Dr. Conway, seconded by Ms. Finerty, Board chose Dr. Vella for the open position on the MRSC. Unanimous.

V. PUBLIC - NEW BUSINESS:

A. Informational:

1. August 9, 2018 quarterly report from Rodney A. Felgate, M.D. regarding Gayle M. Spelman, P.A. **Board Action: 9/5/18** – On motion of Ms. Gardner, seconded by Dr. Baker, file. Unanimous.

B. Action Items:

1. Sixth monitoring report from Steven W. Powell, M.D., dated August 3, 2018, regarding Adnan S. Khan, M.D. **Board Action: 9/5/18** – On motion of Ms. Gardner, seconded by Dr. Barr, accept and file final report from Dr. Powell. Unanimous.

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

Dr. Ballard left the meeting.

3. August 10, 2018 request from Sonia Talarico, D.O. to use 2018 CMEs to complete her 2016-2017 cycle. Board Action: 9/5/18 – On motion of Dr. Conway, seconded by Ms. Gardner, approve to use the 2018 credits for the 2016-2017 cycle. Unanimous.

4. September 5, 2018 suggested formal policies on Dealing with Question #5 answers on license renewals submitted by Nick Perencevich, MD, Physician Investigator. Board Action: 9/5/18 – On motion of Dr. Barr, seconded by Dr. Potenza, file memo from Dr. Perencevich and inform him to continue to operate as he has been. Board will need to draft rules in the future. Unanimous.

5. August 23, 2018 meeting regarding letters of concern vs. discipline. Nick Perencevich, MD, Physician Investigator, drafted an outline of when and how these letters should be issued for the Board’s review. Board Action: 9/5/18 – File.

6. August 23, 2018 request from Jonathan Klingler, D.O., and Ed Duffy, M.D., to have Dr. Duffy as Dr. Klingler’s preceptor according to his January 11, 2017 conditional license letter from the Board. Board Action: 9/5/18 – On motion of Dr. Baker, seconded by Dr. Barr, approve Dr. Duffy as Dr. Klingler’s preceptor. Unanimous.

7. August 23, 2018 letter from Scott Paige, D.O., along with the required 4 hours of CME in the area of angioedema, pursuant to his Settlement Agreement with the Board dated July 16, 2018. Board Action: 9/5/18 – On motion of Dr. Baker, seconded by Ms. Finerty, approved. Unanimous.

VI. LEGISLATION:

None.

VII. OTHER PUBLIC ORDERS ISSUED:

KRESSIN, Nancy A., M.D. – Voluntary Surrender of License.

Board Action: 9/5/18 – On motion of Ms. Gardner, seconded by Dr. Conway, accept Voluntary Surrender of License and cancel hearing scheduled for October 3, 2018. Unanimous.

VII. DISCIPLINARY PROCEEDINGS:

HEARINGS SCHEDULED:

SPELMAN, Gayle M., P.A. – Hearing scheduled for September 5, 2018 at 12:00 P.M.

Docket #17-03

David Conway, M.D. recused.

Gilbert Fanciullo, M.D. is the Presiding Officer.

John F. Brown, Esq. is Hearing Counsel from APU.

06/19/18 – DRAFT *Notice of Hearing* from APU for review and consideration by the Board.

Board Action: 7/11/18 – On motion of Ms. Gardner, seconded by Dr. Barr, approve Notice of Hearing. Schedule hearing for September 5, 2018 at 12:00 P.M. Dr. Fanciullo will be the Presiding Officer. Unanimous.

Board Action: 9/5/18 – Hearing held. On motion of Dr Fanciullo, seconded by Mr. LeBrun, revoke license. 2-8 motion fails. On motion of Dr. Barr, seconded by Ms. Finerty, issue the following discipline: Reprimand, RSP and ARSP must file quarterly reports indefinitely which include information regarding Ms. Spelman’s clinical skills and any further violation will be a separate basis for disciplinary action by the Board, which will result in revocation by the Board. Board considered revocation, but also considered mitigating factors. 8-2 motion carries.

Actions authorized during 3rd non-public session:

KRESSIN, Nancy A., M.D. – Hearing scheduled for October 3, 2018 at 1:00 P.M.

Dr. Conway is the Presiding Officer.

Michelle Heaton, Esq. is Hearing Counsel from APU.

Board Action: 11/14/17 - On motion of Mr. Sullivan, seconded by Dr. Baker, the Board voted to issue the Order of Emergency License Suspension and Notice of Hearing to Dr. Kressin. The hearing will be held on November 20, 2017 at 6:00 P.M. Dr. Conway will be the Presiding Officer. Approved by a roll call vote of members present:

Dr. Barr	Yes
Dr. Baker	Yes
Dr. Wheeler	Yes
Dr. Potenza	Yes
Dr. Dibble	Yes
Dr. Fanciullo	Yes
Dr. Conway	Yes
Mr. Sullivan	Yes

11/16/17 – *Hearing Counsel’s Assented to Motion to Approve The Preliminary Agreement for Practice Restrictions and Cancel the Hearing*, along with the draft Preliminary Agreement For Practice Restrictions.

11/17/17 – The Presiding Officer approved the *Preliminary Agreement for Practice Restrictions* and canceled the hearing scheduled for November 20, 2017 at 6:00 P.M.

11/17/17 – *Preliminary Agreement for Practice Restrictions* issued.

11/17/17 – *Appearance* submitted by Michael A. Pignatelli, Esq.

07/13/18 – Draft *Notice of Hearing* submitted by APU.

Board Action: 8/1/18 – On motion of Dr. Baker, seconded by Dr. Fanciullo, issue *Notice of Hearing* and schedule hearing for October 3, 2018 at 1:00pm. Also, Prehearing to be scheduled prior to the hearing. Unanimous.

09/04/18 – DRAFT Voluntary Surrender of License from Janice K. Rundles, Esq., APU, for review by the Board.

Board Action: 9/5/18 – On motion of Ms. Gardner, seconded by Dr. Conway, accept Voluntary Surrender of License and cancel hearing scheduled for October 3, 2018. Unanimous.

GOULD, Peter J., M.D. – Hearing scheduled for November 7, 2018 at 1:00 P.M.

Docket #18-05

Cases included: 2016-317.

David Conway, M.D. and Ms. Gardner recused.

Emily Baker, M.D. is the Presiding Officer.

John F. Brown, Esq. is Hearing Counsel from APU.

Board Action: 8/01/18 – On motion of Dr. Barr, seconded by Dr. Potenza, approved Notice of Hearing as amended and schedule hearing for November 7, 2018 at 1:00 P.M. Emily Baker, M.D. will be the Presiding Officer. *Dr. Ballard abstained.* All others concurred.

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.

NASIF, Ronald J., M.D. – Hearing scheduled for August 1, 2018 at 1:00 P.M.

Docket #18-03

Dr. Potenza is the Presiding Officer.

April 30, 2018 request from Ronald J. Nasif, M.D. for a hearing pursuant to his Order of Conditional Denial dated April 23, 2018.

Board Action: 6/06/18 – On motion of Dr. Fanciullo, seconded by Dr. Dibble, schedule hearing for August 1, 2018 at 1:00 P.M. Dr. Potenza will be the Presiding Officer. Unanimous.

Board Action: 8/01/18 – Hearing held in absentia. On motion of Dr. Barr, seconded by Dr. Conway, deny reinstatement of license. Unanimous.

04/30/18(?) – Request from Dr. Nasif to reschedule the hearing

Board Action: 9/05/18 – On motion of Dr. Baker, seconded by Dr. Conway, request denied. Unanimous.

OBI, Loretta A., M.D. – Hearing scheduled for August 1, 2018 at 12:00 P.M.

Docket #18-04

Cases include: 2018-209

Daniel Potenza, M.D. is the Presiding Officer.

John F. Brown, Esq. is Hearing Counsel from APU.

Board Action: 7/11/18 – On motion of Dr. Baker, seconded by Dr. Barr, approve Notice of Hearing. 8-1 motion carries. Hearing will be held on August 1, 2018 at 12:00 P.M. Dr. Potenza will be the Presiding Officer.

Board Action: 8/01/18 – Hearing held in absentia.

HEARINGS WITH DATE TO BE DETERMINED:

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.

MacDONALD, Hugh V., M.D. – Hearing date to be determined.

Docket #: 18-01

Cases included: 2018-189.

Emily Baker, M.D. is the Presiding Officer.

Matthew Mavrogeorge, Esq. is Hearing Counsel from APU.

DRAFT Order of Emergency License Suspension and Notice of Hearing regarding Hugh V. MacDonald, M.D. for the Board's review.

Board Action: 5/15/18 - On motion of Ms. Gardner, seconded by Dr. Fanciullo, the Board voted to issue the Order of Emergency License Suspension and Notice of Hearing to Dr. MacDonald. The hearing will be held on May 25, 2018 at 8:30 A.M. Dr. Baker will be the Presiding Officer. Approved by a roll call vote of members present:

Dr. Baker	Yes
Dr. Potenza	Yes
Dr. Wheeler	Yes
Dr. Conway	Yes
Dr. Fanciullo	Yes
Ms. Gardner	Yes

05/21/18 - *Hearing Counsel's Assented-to Motion to Approve the Preliminary Agreement Not to Practice and Cancel the Hearing*, along with the proposed Preliminary Agreement Not to Practice in the matter of Hugh V. MacDonald, M.D. for review by the Board. (Complaint #2018-189)

05/23/18 – *Order Canceling Hearing Scheduled for May 25, 2018* approved by the Presiding Officer.

Board Action: 6/6/18 – On motion of Dr. Fanciullo, seconded by Dr. Conway, approve the Preliminary Agreement Not to Practice and Cancel the Hearing. Unanimous.

06/14/18 – *Preliminary Agreement Not to Practice* issued.

SUNDARAM, Malathy, M.D. – Hearing date to be determined.

Docket #: 18-02

Cases included: 2017-379.

Nina Gardner, Public Member, recused.

Dr. Baker is the Presiding Officer.

April 30, 2018 letter from Molly Barker Gilligan, Esq., attorney for Malathy Sundaram, M.D., including the evaluation from CPEP pursuant to her agreement with the Maine Board of Licensure in Medicine.

Board Action: 6/6/18 – On motion of Dr. Wheeler, seconded by Dr. Dibble, issue Order to Show Cause why she should be allowed to practice pursuant to RSA 329:17, VI-a and the CPEP evaluation. Unanimous.

08/28/18 – *Order Granting Motion to Postpone Show Cause Hearing* issued. Date of hearing to be determined, if necessary.

Board Action: 9/5/18 – On motion of Dr. Baker, seconded by Dr. Barr, before Board reschedules the hearing, give Dr. Sundaram the opportunity to give up her license. Unanimous.

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.