

## MINUTES

November 7, 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.; 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: Michael Barr, M.D.

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

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

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

[Minutes kept separately]

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

Upon the motion of Dr. Wheeler and the second of Dr. Ballard, 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. Ballard, the Board voted to go into public session.**

**MINUTES  
PUBLIC SESSION  
BOARD OF MEDICINE  
November 7, 2018**

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

**12:00 P.M.** – Nick Perencevich, M.D., Physician Investigator and Dori Lefebvre, Investigator. The following topics were discussed:

1. MRSC members Colin O'Brien, M.D. and Tanya Rule, P.A. will write to the Board requesting nominations to Governor for reappointment. Salvatore Vella, M.D. was appointed to the MRSC. Lisa Patterson, M.D. has been nominated as a member of the MRSC to the Governor's office; waiting for a response. Mark Goldshein, M.D. will be nominated as a member of the MRSC in January, 2019 pursuant to the new law. David Coursin, M.D. was elected as a State Representative. He will be resigning from the MRSC. Dr. Perencevich will start searching for a replacement.
2. Dr. Perencevich continues to work on getting hospitals to organize medical records sent to the Board.

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

**I. NEW APPLICATIONS:**

**PHYSICIAN LICENSES:** Board Action: 11/7/18 – On motion of Dr. Fanciullo, seconded by Ms. Finerty, approve for full license. Unanimous.

BARKER, Jonathan J., M.D. – Psychiatry (Board Certified) – Suny Downstate Medical Center, 2009.

BEACH, Jonathan C., D.O. – Emergency Medicine – New York College of Osteopathic Medicine, 2001

BERMAN, Steven H., M.D. – General Surgery (Board Certified) – Tufts University School of Medicine, 1984.

BRADER, Alan H., M.D. – General Surgery (Board Certified) – University of Pittsburgh School of Medicine, 1982.

BURT, Ronald E., M.D. – Anesthesiology (Board Certified) – University of Missouri School of Medicine, 1982.

DAVIS, Elizabeth M., M.D. – Otolaryngology (Board Certified)- University of Nebraska Medical Center, 2001.

DIPOCE, James E., M.D. – Diagnostic Radiology (Board Certified) – Albert Einstein College of Medicine of Yeshiva University, 2000.

FRITZ, Tracy A., M.D. – Family Practice (Board Certified) – Tufts University School of Medicine, 2000.

GALE, Jerrold T., M.D. – Diagnostic Radiology (Board Certified) – University of Chicago Pritzker School of Medicine, 1981.

GENCARELLI, Peter J., M.D. – Anesthesiology (Board Certified) – State University of New York Upstate Medical University, 1977.

GROBLEWSKI, Thomas, D.O. – Family Practice (Board Certified) – University of New England College of Osteopathic Medicine, 1995. *Dr. Potenza abstained from vote.*

HOLEMON, Dawn M., M.D. – Psychiatry (Board Certified) – St. Louis University School of Medicine, 1982.

MARINO, Evan F., D.O. – Internal Medicine (Board Certified) – Lake Erie College of Osteopathic Medicine, 2011.

SAWYER, Donald L., II, M.D. – General Surgery (Board Certified) – Oral Roberts University, 1987.

SAXENA, Ashwini, M.D. – Psychiatry – Shri Vasantao Naik Government Medical College, 2005.

SCHROER, Peter B., M.D. – General Surgery – Universidad Autonoma De Guadalajara in Mexico, 2013.

SCHWENDIMANN, Robert N., M.D. – Neurology (Board Certified) – Louisiana State University School of Medicine New Orleans, 1971.

SOERRIES, Scott R., M.D. – Family Practice (Board Certified) – University of Missouri-Kansas City School of Medicine, 1987.

YE, Yixia, M.D. – Internal Medicine (Board Certified) – Peking University Health Science Center in China, 1998.

**PHYSICIAN LICENSES:** Board Action: 11/7/18 – On motion of Dr. Fanciullo, seconded by Mr. LeBrun, request additional information. Unanimous.

HAHN, David K., M.D. – Neurology (Board Certified) – Warren Alpert Medical School of Brown University, 2008.

## **REINSTATEMENT**

**PHYSICIAN LICENSES:** Board Action: 11/7/18 – On motion of Dr. Fanciullo, seconded by Ms. Finerty, approve for reinstatement of license. Unanimous.

KUWAYAMA, David P., M.D. – General Surgery (Board Certified) – Harvard Medical School, 2002.

STREETS, David T., M.D. – Orthopaedic Surgery (Board Certified) – Drexel University College of Medicine, 2005.

## **PA REINSTATEMENT**

**LICENSES:** Board Action: 11/7/18 – On motion of Dr. Fanciullo, seconded by Ms. Finerty, approve for reinstatement of license. Unanimous.

BALL, Monica A., P.A.

## **CONSENT PHYSICIAN**

**TEMPORARY LICENSES:** Board Action: 11/7/18 – On motion of Dr. Fanciullo, seconded by Ms. Finerty, approve for temporary license. Unanimous.

SEITZ, Christopher S., M.D. – Emergency Medicine (Board Certified) – Michigan State University College of Human Medicine, 2013.

## **CONSENT**

**PHYSICIAN LICENSES:** Board Action: 11/7/18 – On motion of Dr. Fanciullo, seconded by Ms. Finerty, approve for full license. Unanimous.

BARRON, Rebecca J., M.D. – Emergency Medicine (Board Certified) – Tufts University School of Medicine, 2011.

BRABEC, Jiri, M.D. – Neurology (Board Certified) – Lekarska Faculta 1 University Karlovy in Czech Republic, 2005.

BRAZELTON, Jason D., M.D. – Pathology (Board Certified) – University of South Alabama College of Medicine, 2009.

CHAN, Eric T., M.D. – General Surgery (Board Certified) – Northwestern University Medical School, 2010.

CHEN, Yung-Hsin, M.D. – Diagnostic Radiology (Board Certified) – Tufts University School of Medicine, 2001.

FATIMA, Farah, D.O. – Internal Medicine (Board Certified) – New York Institute of Technology College of Osteopathic Medicine, 2008.

FEILER, Helene E., M.D. – Orthopaedic Surgery – Tufts University School of Medicine, 1989.

FINGERMAN, Eileen R., M.D. – Family Practice (Board Certified) – University of Mass Medical School, 1989.

FISCHER, Uwe M., M.D. – General Surgery (Board Certified) – Faculty of Medicine Johannes Gutenberg University of Mainz in Germany, 1999.

FRITZ, Bernard T., M.D. – Family Practice (Board Certified) – St Louis University of Medicine, 1993.

GOWARTY, Minda A., M.D. – Internal Medicine (Board Certified) – Dartmouth Medical School. 2014.

GUPTA, Richa, M.D. – Internal Medicine (Board Certified) – Assam Medical College and Hospital Dibrugarh University in India, 1995.

HILTON, Jace D., D.O. – Orthopaedic Surgery – University of North Texas Health Science Center, 2013.

HOLLIS, Steven C., M.D. – Orthopaedic Surgery (Board Certified) – George Washington University School of Medicine, 1984.

HWANG, George C., M.D. – Anesthesiology (Board Certified) – Georgetown University School of Medicine, 2009.

KAMINE, Tovy H., M.D. – General Surgery (Board Certified) – University of Pennsylvania School of Medicine, 2010.

KHAWAJA, Ayaz M., M.D. – Neurology (Board Certified) – University of the Punjab, King Edward Medical College in Pakistan, 2011.

KHOLE, Aalok V., M.D. – Internal Medicine (Board Certified) – Seth GS Medical College in India, 2011.

LEVINE, Benjamin P., M.D. – Orthopaedic Surgery (Board Certified) – University of Vermont School of Medicine, 1993.

LINCER, Robert M., M.D. – General Surgery (Board Certified) – Boston University School of Medicine, 1981.

MATHEWS, Samantha K., M.D. – Internal Medicine – Ross University in Dominica, 2014.

MORDKIN, Robert M., M.D. – Urology (Board Certified) – Keck School of Medicine University of Southern California, 1992.

MORWOOD, Michael P., M.D. – Orthopaedic Surgery – University of Vermont College of Medicine, 2012.

PAIVA, Lori A., D.O. – Internal Medicine (Board Certified) – University of New England College of Osteopathic Medicine, 1988.

POLACCO, Marc A., M.D. – Otolaryngology – University of Iowa Carver College of Medicine, 2014.

RICHARDSON, Tighe C., D.O. – Ophthalmology (Board Certified) – Western University of Health Sciences, College of Osteopathic Medicine of the Pacific, 2005.

SANCHEZ, Leon D., M.D. – Emergency Medicine (Board Certified) – Columbia University College of Physicians & Surgeons, 1997.

VALENTA, Douglas A., M.D. – Neurology (Board Certified) – Ross University in Dominica, West Indies, 2004.

VILLALOBOS, Raymond M., M.D. – Physical Medicine & Rehabilitation (Board Certified) – University of California Davis School of Medicine, 1989.

WALI, Priyanka K., M.D. – Internal Medicine (Board Certified) – Keck School of Medicine, 2011.

WEICHERT, Andrew C., M.D. – OB/GYN (Board Certified) – University of Pittsburgh School of Medicine, 2010.

WESLEY, Matthew J., M.D. – Internal Medicine – Dartmouth Medical School, 2016.

#### **CONSENT PHYSICIAN**

**REINSTATEMENT LICENSES:** Board Action: 11/7/18 – On motion of Dr. Fanciullo, seconded by Ms. Finerty, approve for reinstatement of license. Unanimous.

GHOSN, Maha Y., M.D. – Internal Medicine (Board Certified) – St. George's University in Grenada West Indies, 2003.

THOMAS, Lisa R., M.D. – Internal Medicine (Board Certified) – University of Vermont, 1993.

## **CONSENT**

**PA LICENSES:** Board Action: 11/7/18 – On motion of Dr. Fanciullo, seconded by Ms. Finerty, approve for full license. Unanimous.

BAKER, Mary M., P.A.  
BEAN, Kimberly F., P.A. (**Pending RSP/ARSP**)  
CHIANG, Kaiming, P.A.  
DEMIEN, Angela G., P.A. (**Pending RSP/ARSP**)  
DESHANE, Robert S., P.A.  
ELROD, Don B., P.A. (**Pending RSP/ARSP**)  
GOLDBERG, Jordan H., P.A.  
HAVENER, Megan K., P.A.  
KIRK, Matthew T., P.A. (**Pending RSP/ARSP**)  
MAILLOUX, Alison J., P.A.  
SHAW, Kristin M., P.A.  
SOIFERT, Sarah A., P.A.

## **COMPACT**

**PHYSICIAN LICENSES:** To be ratified by the Board at its November 7, 2018 meeting.  
Board Action: 11/7/18 – On motion of Dr. Fanciullo, seconded by Ms. Finerty, Board ratified the compact physician licenses. Unanimous.

ALI, Ayoob, M.D. – Pediatrics (Board Certified) – Dow Medical College – Karachi in Pakistan, 1989. Licensed: 10/8/2018.

ANDERSON, Debra M., M.D. – Pediatrics (Board Certified) – University of Utah School of Medicine, 1991. Licensed: 10/29/18.

BERKOVITS, Adam S., D.O. – Emergency Medicine (Board Certified) – A.T. Still University School of Osteopathic Medicine in Arizona, 2011. Licensed: 10/31/218.

CHIGANOS, Terry C., M.D. – Emergency Medicine (Board Certified) – University of Illinois at Chicago, 2009. Licensed: 11/7/18.

DEZAYAS, Cheryl E., M.D. – Pediatrics (Board Certified) – Autonomous University of Guadalajara in Mexico, 1978. Licensed: 10/29/18.

INKOULOVA, Polina K., M.D. – Emergency Medicine (Board Certified) – Medical University of Sofia, Bulgaria, 1993. Licensed: 10/31/218.

KLEINMAN, Jonathan T., M.D. – Neurology (Board Certified) – Stanford University School of Medicine, 2012. Licensed: 10/8/2018.

LOZANO, Kay D. S., M.D. – Diagnostic Radiology (Board Certified) – University of Texas Medical Branch, 1998. Licensed: 10/8/2018.

SELLMAN, Richard L., M.D. – Pulmonary Disease (Board Certified) – Saint Louis University, 1992. Licensed: 10/19/2018.

SIVISKI, Peter R., M.D. – General Surgery (Board Certified) – Tufts University School of Medicine, 1982. Licensed: 10/8/2018.

WRIGHT, Seth W., M.D. – Emergency Medicine (Board Certified) – University of Michigan, 1985. Licensed: 11/5/18.

WU, Judy Y., M.D. – Family Practice (Board Certified) – St. Mathew’s University School of Medicine in Caribbean, 2009. Licensed: 10/19/2018.

- II. Draft Minutes from the October 3, 2018 Board meeting.** Board Action: 11/7/18 – On motion of Dr. Conway, 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. Anelman, 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. **Board Action: 10/3/18** – On motion of Dr. Potenza, seconded by Ms. Gardner, Board members will work on the Med 300 rules and present changes in November for discussion. Unanimous. **Board Action: 11/7/18** – Board worked on Med 300 rule changes. Dr. Barr absent and will bring changes to Med 300 rules in December. Ms. Taylor to send members the Med 400 rules for review at its December 5, 2018 meeting.

**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. **Board Action: 10/3/18** – Table this item until rule changes have been approved through JLCAR. **Board Action: 11/7/18** – Tabled.

**T3.** August 15, 2018 e-mail from Michael D. Bullek, BSP, R.Ph, Administrator of the Board of Pharmacy, regarding HB 1822-FN concerning pharmacists dispensing contraceptives on a standing order. **Board Action: 9/5/18** – On motion of Dr. Barr, seconded by Ms. Gardner, Mr. Bullek indicated that the bill passed and he’s looking for a representative from the Board to advise on rulemaking. Tabled for discussion with Board Counsel. Unanimous. **Board Action: 10/3/18** – On motion of Ms. Gardner, seconded by Dr. Baker, Board discussed the draft rules and relayed its concerns to the Board representative, Dr. Conway. Board will wait for updates to the draft. Unanimous. **Board Action: 11/7/18** – Tabled.

## V. PUBLIC - NEW BUSINESS:

### A. Informational:

### B. Action Items:

1. Quarterly report dated September 25, 2018 from Leonard Korn, M.D. regarding Jayakumar Patil, M.D. Board Action: 11/7/18 – On motion of Ms. Gardner, seconded by Dr. Wheeler, accept and file. *Dr. Potenza recused.* All others concurred. On motion of Dr. Wheeler, seconded by Dr. Fanciullo, inform Dr. Korn that the Board expresses its gratitude for doing a good job monitoring Dr. Patil and inform him of professional boundary courses to help remediate deficiencies, if any. *Dr. Potenza recused.* All others concurred.
2. September 18, 2018 information from Santé Center for Healing presenting their treatment program for the Board’s review. Board Action: 11/7/18 – File.

3. October 2, 2018 e-mail from Shashibala Soni, M.D. requesting permission to work temporarily as a locum tenens physician in New Hampshire. Board Action: 11/7/18 – On motion of Mr. LeBrun, seconded by Dr. Fanciullo, inform Dr. Soni that she has met the requirements of paragraph E2, the Board waives paragraph E1, and she still must comply with paragraph E3 of her Final Decision and Order of the Board. Unanimous.
4. October 9, 2018 e-mail request from Jonathan Klingler, D.O., and Steve Danosi, M.D., to have Dr. Danosi as Dr. Klingler’s preceptor at Speare Memorial Hospital, according to his January 11, 2017 conditional license letter from the Board. Board Action: 11/7/18 – On motion of Dr. Fanciullo, seconded by Ms. Finerty, approve Dr. Danosi as Dr. Klingler’s preceptor at Speare Memorial Hospital. Unanimous.
5. October 4, 2018 quarterly report from Edward Duffy, M.D., Littleton Regional Healthcare, regarding Jonathan Klingler, D.O. Board Action: 11/7/18 – On motion of Dr. Baker, seconded by Dr. Fanciullo, accept and file. Unanimous.
6. Nominations for President and Vice President of the Board for 2019. Board Action: 11/7/18 – On motion of Ms. Gardner, seconded by Dr. Wheeler, nominate Dr. Baker as President for 2019. Unanimous. On motion of Dr. Wheeler, seconded by Dr. Fanciullo, nominate Dr. Potenza as Vice President for 2019. Unanimous. Voting will take place at the December 5, 2018 meeting.
7. Second quarterly report from Diane Biron, M.D. regarding Concetta R. Oteri-Ahmadpour, D.O., dated September 28, 2018. Board Action: 11/7/18 – On motion of Dr. Ballard, seconded by Dr. Fanciullo, request Dr. Oteri-Ahmadpour obtain a new monitor. Unanimous. On motion of Dr. Baker, seconded by Ms. Gardner, file report from Dr. Biron. Unanimous.
8. October 16, 2018 e-mail from David Johnson, M.A., Senior Vice President, Assessment Services, Federation of State Medical Boards, regarding a new tool, the Video-Based Communication Assessment (VCA), a self-guided, web-based app. Board Action: 11/7/18 – On motion of Dr. Conway, seconded by Mr. LeBrun, file. Unanimous.
9. October 18, 2018 letter of support for Christopher Manfred, M.D. to return to anesthesia practice from Sally Garhart, M.D., Medical Director, NH PHP, with attachments. Board Action: 11/7/18 – On motion of Dr. Conway, seconded by Ms. Gardner, file letter of support from Dr. Garhart. *Dr. Baker and Dr. Fanciullo recused.* All others concurred. Dr. Potenza chaired the meeting in Dr. Baker’s absence.
10. October 29, 2018 *Motion to Stay Disciplinary Action* from Joshua L. Gordon, Esq., regarding Aaron Geller, M.D. Board Action: 11/7/18 – On motion of Ms. Gardner, seconded by Dr. Fanciullo, denied based on reasons articulated in Hearing Counsel’s *Objection to Motion to Stay*. Unanimous.

11. October 23, 2018 letter from Adriane Fugh-Berman, M.D., Georgetown University Medical Center, regarding InforMed. Board Action: 11/7/18 – On motion of Dr. Baker, seconded by Dr. Potenza, Dr. Potenza will bring this to the NH Medical Society and Board will refer to the Attorney General’s Office, Consumer Protection Bureau. Unanimous.
12. October 25, 2018 *Petition to Amend Order of Conditional Approval to Return to Practice and to Approve a Return to Practice in Anesthesiology* submitted by Cinde Warmington, Esq., attorney for Christopher S. Manfred, M.D. Board Action: 11/7/18 – On motion of Dr. Conway, seconded by Ms. Gardner, approve *Petition to Amend Order of Conditional Approval to Return to Practice and to Approve a Return to Practice in Anesthesiology*. *Dr. Baker and Dr. Fanciullo recused*. All others concurred. Dr. Potenza chaired the meeting in Dr. Baker’s absence.
13. Curriculum vitae for Physical Medicine and Rehabilitation Board certified pain specialist Jonathan Mazur, M.D. for review by the Board pursuant to the Final Decision and Order regarding Aaron Geller, M.D. Board Action: 11/7/18 – On motion of Ms. Gardner, seconded by Dr. Fanciullo, deny Dr. Geller’s request for approval of proposed monitor, Dr. Mazur. Unanimous.
14. Hearing Counsel’s *Objection to Motion to Stay* in the matter of Aaron Geller, M.D., Docket No. 15-08. Board Action: 11/7/18 – File.

## VI. LEGISLATION:

1. HB 1388 and SB 475, an act relative to testing for Lyme disease.  
**Board Action: 10/3/18** – Dr. Conway and Dr. Baker attended a Committee meeting regarding HB 1388 and SB 475 on Thursday, September 27, 2018. The Board will follow this legislation.
2. Dr. Baker informed the Board that there will be legislation introduced to change the language in RSA 329:4, I to read: The commissioner or the medical director of the department of health and human services, or the commissioner’s physician designee, shall serve as...

## VII. OTHER PUBLIC ORDERS ISSUED:

**MANFRED, Christopher S., M.D.** – Order Approving *Petition to Amend Order of Conditional Approval to Return to Practice and to Approve a Return to Practice in Anesthesiology*.  
Board Action: 11/7/18 – On motion of Dr. Conway, seconded by Ms. Gardner, approve *Petition to Amend Order of Conditional Approval to Return to Practice and to Approve a Return to Practice in Anesthesiology*. *Dr. Baker and Dr. Fanciullo recused*. All others concurred. Dr. Potenza chaired the meeting in Dr. Baker’s absence.

## **VII. DISCIPLINARY PROCEEDINGS:**

### **HEARINGS SCHEDULED:**

**SUNDARAM, Malathy, M.D.** – Hearing scheduled for February 6, 2019 at 1:00 P.M.

**Docket #: 18-02**

Cases included: 2017-379.

*Nina Gardner, Public Member, recused.*

*Dr. Baker is the Presiding Officer.*

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

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

Unanimous.

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

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

**10/02/18** – Ms. Taylor spoke with Dr. Sundaram who indicated she wanted the Board to reschedule the hearing.

**Board Action: 11/7/18** – On motion of Dr. Conway, seconded by Dr. Fanciullo, reschedule hearing to February 6, 2019 at 1:00 P.M.

### **HEARINGS HELD PENDING FINAL DISPOSITION:**

N/A

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

**GOULD, Peter J., M.D.** – Hearing continued to a date to be determined.

**Docket #18-05**

Cases included: 2016-317.

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

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

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

**Board Action: 8/01/18** – 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.

**10/17/18** – *Hearing Counsel's Petition to Continue Hearing and Approve Settlement Agreement* for review by the Presiding Officer.

**10/19/18** – *Order Granting Continuance of Hearing* approved by the Presiding Officer.

**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.*

**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.

**09/13/18** – *Appearance* from Cinde Warmington, Esq., Shaheen and Gordon.

**09/13/18** – *Appearance* from Alexander W. Campbell, Esq., Shaheen and Gordon.

**10/25/18** – *Hearing Counsel's Petition to Approve Preliminary Agreement Not to Practice*, along with the draft *Preliminary Agreement Not to Practice* for the Board's review.

**Board Action: 11/7/18** – On motion of Dr. Fanciullo, seconded by Mr. LeBrun, approve *Preliminary Agreement Not to Practice*. Unanimous.