

**STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL
LICENSURE AND CERTIFICATION**

BOARD OF MEDICINE

**In Re: Jonathan Rieder, MD
Applicant for Physician Licensure**

Docket No.: 23-MED-033

NOTICE OF DECISION DATED 12/18/2023

Enclosed please find a copy of the Board's Order dated 12/18/2023 relative to:

HEARING FINAL DECISION AND ORDER

MOTIONS/PETITIONS FOR RECONSIDERATION OR REHEARING:

Pursuant to N.H. Code Admin. R. Plc 206.29(a) ("Rules") and RSA 310:14, II, motions/petitions for reconsideration or rehearing shall be filed within 30 calendar days after service of a final adjudicative order. Pursuant to Rule 206.29(b), the Motion/Petition shall: 1) clearly identify points of law or fact that the movant asserts the Board and/or Presiding Officer has overlooked or misapprehended; 2) contain such argument in support of the motion as the movant desires to present; and 3) be served by the movant on all other participants in accordance with Rule 206.11. Pursuant to Rule 206.29, no answer to a motion/petition for reconsideration or rehearing shall be required, but any answer or objection filed shall be delivered to the Presiding Officer's Office within 5 working days following receipt of service of the motion/petition for reconsideration. Pursuant to RSA 541:5, upon the filing of such motion/petition for rehearing or reconsideration, the Board or Presiding Officer shall within ten days either grant or deny the same, or suspend the order or decision complained of pending further consideration, and any order of suspension may be upon such terms and conditions as the Board or Presiding Officer may prescribe.

RIGHT TO APPEAL:

Pursuant to RSA 310:14, III, appeals from a decision on a rehearing and/or motion for reconsideration shall be by appeal to the New Hampshire Supreme Court pursuant to RSA 541. Pursuant to RSA 541:6, within 30 days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the decision on such rehearing, the applicant may appeal by petition to the New Hampshire Supreme Court. Pursuant to RSA 310:14, III, no sanction shall be stayed by the Board during an appeal.

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BOARD OF MEDICINE

**In Re: Jonathan Rieder, MD
Applicant for Physician Licensure**

Docket No.: 23-MED-033

**FINAL ORDER
AND DECISION - 12/06/23**

I. ATTENDEES:

Board Members and Administrative Staff and Counsel:

Emily R. Baker, Board President and Member
Marc L. Bertrand, Board Vice President and Member
Richard G. Kardell, Board Member
Jonathan R. Ballard, Board Member
David J. Goldberg, Board Member
Jonathan Eddinger, Board Member
Nina C. Gardner, Board Member
Linda M. Tatarczuch, Board Member

Talia Wilson, OPLC Board Administrator
Charlene Anstead, OPLC Board Administrator
Shane Goulet, OPLC Board Counsel

Presiding Officer:

Nikolas K. Frye, OPLC Hearings Examiner

Parties:

Jonathan Rieder, DO, Applicant
Kaylee C. Doty, Esq., Counsel for the Applicant

II. CASE SUMMARY/PROCEDURAL HISTORY:

The Office of Professional Licensure and Certification, Division of Licensing and Administration (“OPLC Licensing”) received an application for licensure as a physician from Jonathan Rieder, MD (“Applicant”). By letter dated 08/25/23, OPLC Licensing denied the Applicant’s application finding it did not meet the requirements of RSA 329:14, II. The Applicant filed a timely request for a hearing pursuant to RSA 310:14. The Board held a final adjudicative hearing on 12/06/23 at 1:00 pm est. Pursuant to RSA 310:11, III(b) ("Rules"), Nikolas K. Frye, Esq., OPLC Hearings Examiner was appointed by the Board as presiding officer.

III. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED:

The Applicant appeared for a hearing to clarify character issues raised in his application and to demonstrate he meets the testing and educational requirements. The sole issue before the Board was “[w]hether the Applicant can demonstrate, by a preponderance of the evidence, that he meets the requirements of RSA 329:14, II. *See* Letter from Northern Light Eastern Maine Medical Center [sic] dated 07/13/23. *See also* RSAs 329:12, I(d),(2), (4), (5), RSA 329:14, I and III, Med rules [sic] 301.03(4), (7), and Med Rule 302.01.” NOH at II(c)(1). Pursuant to Plc Rule 206.24(e), the Applicant had the burden of proving his case by a preponderance of the evidence. The Applicant was sworn in under oath and informed he had a duty to correct any factual inaccuracies made by his attorney. His attorney then provided an offer of proof, and the Applicant and his attorney answered Board questioning. Additionally, the Board considered his application and accompanying documents, Exhibits A-W, and took administrative notice of the Applicant’s electronic licensing profile. A summary of the evidence presented follows.

Summary of Offer of Proof and Answers to Board Questioning

The offer of proof explained the Applicant obtained his medical degree from an accredited university and has completed two years of postgraduate residency training. The Applicant explained that

during the second year of his residency, he was placed on academic probation, which was later removed. He also represented that during his third year of residency, he had multiple personal issues arise. According to the offer of proof, these issues impacted him emotionally and contributed to him having another probationary period under the residency program. The offer of proof directed the Board to Exhibit U and represented that the Applicant had immediately addressed the issues resulting in his new probation.

The offer of proof next explained that the program director for Northern Light Eastern Maine Medical Center Family Medicine Residency informed the Applicant by a July 13, 2023¹ letter that she had terminated him from the residency program because of the past probationary matters and because she believed he had been deceitful about his probation when applying and interviewing for a job with Dartmouth Hitchcock. The offer of proof explained that the first job interview with Dartmouth Hitchcock was more of a meet and greet, where the Applicant never really had an opportunity to mention his probation. Further, the offer stated the second interview was a group meeting where Dr. Kim was only on Zoom for a short duration, so he was unable to speak with him about it then. According to the offer of proof, the Applicant was expecting the second interview to be more of an intimate meeting with Dr. Kim where he would have the opportunity to disclose his academic probation. The offer of proof argued Exhibit A shows the Applicant eventually disclosed his academic probation to Dr. Kim. This email ends with the Applicant stating to Dr. Kim: "... I apologize for not having brought it [the probation] to everyone's attention earlier, but I had hope you would get to know me a little first." Exh. A.

According to the offer of proof, the Applicant later had a follow-up conversation with Dr. Kim about his probation in which he told Dr. Kim that the residency program was not supportive of him. The Applicant's offer of proof contended that this conversation may have influenced the program director's

¹ This letter is included in the Applicant's application materials.

decision to dismiss him from residency.² To support this belief, the Applicant's offer of proof directed the Board to Exhibit E (a letter from a former Chief Resident written on behalf of the Applicant). When later asked by a Board Member what he told Dr. Kim about the program not being supportive, the Applicant stated that he had told Dr. Kim he did not feel supported and felt like the program did a lot of things that were punishment instead of support. When asked by two separate Board Members to elaborate upon why he felt the program was unsupportive, he declined to answer stating he did not wish to make any further comments on his residency. On one of these occasions, he also stated "last time I did that I got kicked out."

The Applicant also addressed having answered a question incorrectly on his Dartmouth Hitchcock job application and his New Hampshire physician license application. With respect to the Dartmouth job application, he acknowledged that he had checked a "no" box on the application corresponding with a question that asked if he had ever been on any type of probation. He described this as an oversight on his part and stated he did the form quickly and did not take it as seriously as he should have. The Applicant was also asked why he answered "no" on his license application to the question:

Have you ever failed any national medical licensure examination or any part of that examination, state board examination, or failed to gain certification from the National Board of Medical Examiners? **You must report all exam failures, even if you later passed the examination.** (This does not include specialty board certification examinations.)

Application, Question 8.³

² In support of his hypothesis, the Applicant stated his academic advisor had informed him that the clinical competency committee had recommended that he graduate from the residency after he was provided an opportunity to make a statement to it.

³ No emphasis was added to this quotation. The application bolds the sentence.

The Applicant stated he misunderstood the question and thought it only applied for level 3 exams.⁴ When reminded by a Board Member that you can only take level 3 exams if you pass the lower exams he had initially failed, the Applicant restated that he had misunderstood the question when answering it.

Upon further Board questioning, the Applicant also indicated having unresolved issues that will probably never resolve and which contributed to some of the reasons he was on probation. Nonetheless, he explained that he has made significant strides in his areas of deficits caused by the underlying issue(s), is currently on medication, and attends counseling. He stated he considers himself competent in medicine.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

After reviewing all the evidence and accounting for the demeanor and credibility of the witness, the Board finds and concludes that the Applicant has not met his burden of proof, by a preponderance, that he is of good professional character. Specifically, the Board finds that the Applicant's testimony as to his professional character (provided through both Board questioning and the offer of proof) was not credible when considering the rest of the evidence presented. Based upon the foregoing and the evidence presented, the Board finds and concludes that the Applicant is not of good professional character, such that his application for licensure as a physician should be denied. *See* RSA 329:12, I(d)(2), RSA 329:14, II. Pursuant to RSA 310:14, the Board affirms its previous decision to deny the Applicant's application.

IV. CONCLUSION AND DECISION:

Pursuant to RSA 329:12, RSA 329:14, and RSA 310:14, the Board hereby denies Jonathan Reider's application for licensure as a New Hampshire physician.

DATED: 12/18/2023

_____/s/ Nikolas K. Frye, Esq.
Nikolas K. Frye, Esq., Presiding Officer
Authorized Representative of the Board of Medicine -

⁴ The exams being referenced are the Comprehensive Osteopathic Medical Licensing Examinations of the United States ("COMLEX-USA").

New Hampshire Office of
Professional Licensure & Certification
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Concord, NH 03301