

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

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**BOARD OF MEDICINE**

**In Re: Pierre Angiers, D.O.,  
Med. Lic. #16812**

Docket No.: 22-MED-010

**ORDER VACATING EMERGENCY  
SUSPENSION – 06/01/22**

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**I. ATTENDEES:**

Emily Baker, Board Member and President  
Richard Kardell, Board Member  
David J. Goldberg, Board Member  
Jonathan Eddinger, Board Member  
Susan M. Finerty, Board Member  
Nina Gardner, Member  
Linda Tatarczuch, Member  
Jessica Kennedy, Board Administrator  
Nikolas K. Frye, Esq., Board Presiding Officer  
Michael Haley, Esq., Board Counsel  
John Garrigan, Esq., Hearing Counsel  
Adam Pignatelli, Esq., Attorney for Licensee  
Pierre Angiers, D.O., Licensee

**II. CASE SUMMARY/PROCEDURAL HISTORY:**

On 04/08/22, the Board of Medicine (“Board”), through the Office of Professional Licensure and Certification, Division of Enforcement (“Enforcement”), received a Report of Non-Compliance from Scott Berry, Executive Director of Mascoma Community Health Center (“MCHC”) in Canaan, New Hampshire. The complaint alleged MCHC had terminated Pierre Angiers, D.O. (“Licensee”) after three female MCHC staff members had separately informed Mr. Berry that the Licensee had, on separate occasions, made comments to them that were sexual in nature. Mr. Berry also reported that after the Licensee was terminated from employment, a female patient had said that the Licensee had inappropriately

touched her on one occasion and made sexually inappropriate comments to her during office visits. Enforcement conducted an expedited investigation into these allegations, as well as previous allegations that the Licensee had made sexually inappropriate comments to a juvenile female patient while working at the Coos County Family Health Services in 2021. The Board considered the matter on an emergency basis during its 05/04/22 meeting and, found pursuant to RSA 329:18-b, the Licensee posed an imminent danger to life or health, so as to warrant emergency suspension. Pursuant to Rule 402.03(a), a 10-day follow up emergency hearing was scheduled for 05/11/22. The parties assented to a continuance and the hearing was ultimately held on 06/01/22. This order follows.

### **III. SUMMARY OF THE EVIDENCE:**

The Board received the following evidence pursuant to RSA 541-A:33 and Rule 207.09:

A. Exhibits were submitted by Hearing Counsel, labeled as follows:

1. 05/27/22 Amended Report of Investigation from OPLC Investigator Victoria Davies with referenced exhibits.

B. Exhibits were submitted by Licensee, labeled as follows:

- a. Response to the Board by Licensee (BR)
- b. Response to the Board by Licensee (DS)
- c. Response to the Board by Licensee (SB)
- d. Letter from Rebecca Ekholm dated 05/01/22
- e. Letter from Shanna Large-Reusch dated 05/03/22
- f. Contract with Mascoma Community Health Center, dated 11/01/21
- g. Letter to Mascoma Community Health Center Board of Directors, dated 02/15/22
- h. Letter to Rebecca Ekholm, dated 02/15/22
- i. Saunders Lumbar Traction Devices User's Guide
- j. The Joy of Comfortable Sex: A Guide for Couple with Back or Neck Pain, Dr. Pierre Angier (Excelsior Books, 2007).
- k. Photographs comparing "Karen" and "JB".
- l. Redacted Medical Records of BR
- m. Palm leg length discrepancy gauge, website printout
- n. Affidavit of Peter Doane, M.D.

C. B. Sworn testimony was received from:

1. Victoria Davies, OPLC Fraud Investigator (called by Licensee)

2. Rebecca Ekholm (called by Licensee)
3. Pierre Angiers, D.O. and Licensee (called by Licensee)

#### **IV. PRELIMINARY MATTERS:**

The Licensee filed a 05/23/22 “Respondent Pierre Angier, D.O.’s Motion to Exclude Evidence Identified by Hearing Counsel”. The Motion argued the Board should exclude unsworn hearsay statements made by alleged victims of the Licensee, as not doing so would violate Rule 206.09(c), Rule 206.11(a), RSA 541-A:33, I and IV, and Licensee’s constitutional due process rights as explained in *Appeal of Plantier*, 126 N.H. 500 (1985), *Petition of Grimm*, 138 N.H. 42 (1993), and *Petition of Smith*, 138 N.H. 299 (1994). Hearing Counsel filed a 05/30/22 “Hearing Counsel’s Objection to Respondent’s Motion to Exclude Evidence”, arguing the rules of evidence do not apply to these matters; the evidence is material and relevant and therefore admissible; and there was no due process violation because Licensee is able to cross examine Ms. Davies on the allegations. At the outset of the hearing, the Presiding Officer denied the Licensee’s Motion and admitted the evidence. The Presiding Officer also admitted all Exhibits submitted by the Licensee.

#### **V. CONDUCT OF HEARING AND EVIDENCE PRESENTED:**

The Board's inquiry at this hearing was limited to whether that temporary suspension should remain in effect, pending a full disciplinary adjudication. Pursuant to Rule 206.10(a), Hearing Counsel has the burden of proving, by a preponderance of the evidence, that Licensee's license should remain suspended on an emergency basis, pending full adjudication in this matter. The credible evidence presented at the hearing allows the Board to find the following facts.

The Licensee currently holds New Hampshire physician’s license #16812. On 05/04/22, the Board suspended his license on a temporary emergency basis because:

Starting as far back as 07/17/21, there is a timeline of complaints, occurring in multiple healthcare settings, and involving multiple work colleagues and patients of the Licensee, that he makes

inappropriate sexual comments in a work setting. Within this backdrop the Board is also presented with evidence that a patient states that the Licensee touched her in an inappropriate manner and location while making comments that were sexual in nature.

Ord. of 05/04/22 at page 8.

As such, those alleged events are the primary focus of the Board's attention in its findings of fact.

**Victoria Davies:**

Hearing Counsel presented OPLC Investigator Victoria Davies as his sole witness. Ms. Davies testified that she is the OPLC investigator currently handling this matter, which stems from two complaints filed with the Board on 10/26/21 and 04/08/22, respectively. Regarding the 10/26/21 complaint, Ms. Davies testified that the patient involved had attended an appointment with the Licensee at Coos County Family Health in July of 2021 for a possible urinary tract infection. According to the Berlin Police Department report contained in Exhibit 1, the patient told her mother the appointment started with normal diagnostic questions but then transitioned to what the patient felt were unusual inquiries about her sexual life. Ms. Davies testified that she interviewed the patient's mother who confirmed that the allegations accurately reflected the information she provided to the Berlin Police Department. Ms. Davies described the Licensee's questions for the patient in detail for the Board. Her testimony revealed the Licensee had made a comment about the patient going home to her boyfriend to have intercourse . According to Ms. Davies; however, the police had taken no criminal action against the Licensee. Ms. Davies also testified that she had confirmed that the allegations in the complaint were accurate by interviewing the patient's mother.

Ms. Davies then explained that OPLC received a written response from the Licensee in relation to the 10/26/21 accusations. According to Ms. Davies, the response denied that the Licensee asked any questions of the patient that were inappropriate and characterized his inquiries as necessary for

establishing a health history and a differential diagnosis of an STI. Ms. Davies testified the response stated the Licensee often conveys to young patients lacking confidence in their bodies that they are good looking.

Next Ms. Davies provided detail of her investigation into the 04/08/22 complaint, which was filed by the CEO of MCHC. She testified that the complaint alleged three of Licensee's MCHC female work colleagues (KC, IW, and JB) stated Licensee had made sexually inappropriate and/or sexist comments to themselves and others in the workplace. The complaint also said one of Licensee's female patients alleged Licensee had made sexually inappropriate comments to herself and her husband and touched her inappropriately during an appointment. Investigator Davies explained she had investigated the allegations by interviewing all these women. Each of the women had confirmed the material details as alleged in the 04/08/22 complaint. Ms. Davies said her interviews of the work colleagues confirmed the allegations in the complaint that Licensee had made inappropriate comments about some of their sex lives, discussed sex topics in the workplace on occasion.

Investigator Davies also testified that the Licensee's MCHC patient said that during a January 2022 appointment, the Licensee had flicked her belly button ring and made inappropriate comments related to it. Ms. Davies explained that the patient also told her about a February 2022 appointment with the Licensee she attended with her husband. According to Ms. Davies, the patient had told her the Licensee made several sexually inappropriate comments in relation to a Lumbar Traction Device he had prescribed for her use and then provided she and her husband with advice on their sex life that made them uncomfortable. Ms. Davies also noted that the patient had described other appointments with the Licensee where she claimed he acted appropriately. Investigator Davies finished her direct testimony by explaining that the Licensee had provided the Board with a written response to the 04/08/22 allegations in which he generally denied making inappropriate statements to colleagues and patients or inappropriately touching a patient.

Cross examination of Investigator Davies revealed that she had not interviewed the Licensee, obtained sworn statements from his accusers, and had not recorded her interviews of the accusers. With respect to the 17-year-old patient, Investigator Davies admitted that she had not interviewed her or contacted the Berlin Police Department.

**Rebecca Ekholm:**

Rebecca Ekholm was the first witness for the Licensee. She testified that she was the former CEO of MCHC and had hired the Licensee. She described the Licensee as a good employee, whom she had work with from approximately November of 2021 to when she left MCHC.<sup>1</sup> She testified that the only incident involving the Licensee that she could recall was that he had called an employee at MCHC “Karen” because she resembled his ex-sister-in-law, Karen. She stated that she addressed the issue with the Licensee and there was no issue afterward. She also detailed an anonymous electronic reporting system she had implemented so that her employees could report employment issues anonymously. She did not recall any anonymous report involving the Licensee ever being filed while she was at MCHC. She then stated she had a system by which she met with each employee individually on an ongoing basis. She indicated she did not recall any complaints involving the Licensee other than the “Karen” incident.

**Licensee:**

Licensee was the last witness to testify. He has extensive training and experience in pain management, osteopathic medicine, and family practice, and considers sexual health important. Drawing on his combined training and experience, the Licensee wrote a book on or around 2007 intended to assist individuals suffering from neck and back pain with ideas for having a pain free/pain managed sex life. The Licensee identified the Book as Exhibit J and addressed it only to provide the Board with context, as it was referenced in the Emergency Suspension Order. The Licensee also testified as to his practice of

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<sup>1</sup> Presumably, some time before 04/01/22.

making female patients feel comfortable during appointments, including having chaperones present when appropriate and ensuring one is present or the door is open when requested or proper. Finally, the Licensee noted that he discussed sexual health with patients often because it is important to overall health. He testified that if patients seemed shy, he asks if they want a chaperone during the discussion. He testified that most patients are comfortable having the discussion and if they indicate they are not, he leaves the subject alone. He noted that before the 10/26/21 and 04/08/21 complaints, he had received no similar criticism during his 34 years of working as a physician.

The Licensee then provided context into the allegation involving the female patient at Coos County Family Health. His recollection was that the patient had presented with abdominal pain, which she thought might be a urinary tract infection. He testified that part of the reason he had asked her about her sex life was there was no sign of an infection on the dipstick analysis, meaning he could not rule out an STI. Although he acknowledged asking the patient multiple questions about her sex life, he explained this was done to ensure she was having sex for the right reasons (as she was 17) and because she was on a medication that might affect her ability to have sex. He denied making any sexually inappropriate statements. He testified that it appeared to him that the patient was comfortable throughout the visit.

The focus of Licensee's testimony then switched to addressing the accusations made in the 04/08/22 complaint. The Licensee started with discussing the allegations related to the female MCHC patient. He testified that she had presented with chronic low back pain. The Licensee acknowledged that he had discussed the possible benefits of a Saunders Lumbar Traction Device with the patient after her initial plan of treatment did not appear to be working and she had indicated she did not want to do physical therapy. He denied that any of his discussions about the device were inappropriate. The Licensee also denied flicking the patient's belly button ring or making an inappropriate comment about it

The Licensee also remembered the appointment with the MCHC patient and her husband. According to the Licensee, he had asked the husband to be present because the patient would need to partially disrobe when being taught how to use the Saunders Lumbar Traction Device. The Licensee denied making any inappropriate statements to the husband or patient during the appointment. The Licensee also admitted to giving the patient and husband instruction on how to use the device and sex advice on how to minimize the patient's back pain during intercourse. He said the advice was first offered, and only given, after the patient and the husband indicated they wanted to hear it. He denied making any comments about the patient's sex life that was inappropriate and not directly related to the medical treatment. He described the patient and the husband as appearing comfortable with the discussion.

Licensee's testimony then shifted to the comments he had made to work colleagues at MCHC. He admitted calling JB "Karen" because she resembled his ex-sister-in-law, Karen. He stopped doing so after Ms. Ekholm addressed the matter with him. The Licensee also admitted he had made a sex joke to JB while providing her care. He clarified he would have apologized if she had said something but agreed he should not have said what he did. He also admitted that he had made a comment to a nursing student about women having different spatial relations that in hindsight he realized sounded sexist and was inaccurate. The Licensee then acknowledged having asked a nursing student if she would be offended if he commented on her physical appearance in a positive manner. He stated he asked the question because he had just received notice of the 10/26/21 complaint made against him by the young female patient at Coos County Family Health and was trying to gain objective perspective on the matter from female work colleagues he respected and trusted. He admitted he had discussed in the workplace the fact that prostitution is legal in Dominican Republic and that the country's practice had resulted in fewer assaults and STIs. The comment was made for educational purposes. He denied making inappropriate comments about colleagues' sex lives at work. The Licensee further described KC as a friend. He did not deny that



there was probably a discussion about sex between the two of them but suggested she had likely brought it up. He explained their relationship was such that she would not have felt uncomfortable confronting him about it.

**VI. DISCUSSION AND FINDINGS OF FACTS / CONCLUSIONS OF LAW:**

After reviewing all the evidence and accounting for the credibility and demeanor of the witnesses, the Board finds Hearing Counsel has not met his burden of proof by a preponderance of the evidence that the Licensee practicing pending adjudication poses an imminent danger to life or health. RSA 329:18-b. At the heart of the Board's decision to emergently suspend the Licensee was the fact that there was an allegation of an inappropriate touching of a female patient made within the context of numerous allegations of inappropriate sexual comments to female work colleagues and patients in multiple healthcare settings. The Licensee's testimony provided enough context regarding those allegations such that Investigator Davies' testimony and Exhibit 1 alone do not demonstrate by a preponderance of the evidence that the Licensee poses an imminent danger to life or health. To be clear, the Board is nonetheless troubled by the allegations. Additionally, the Board recognizes that the investigation is ongoing and reserves further judgment based upon all the evidence that investigation yields. What is apparent now is the matter warrants scheduling a full disciplinary adjudicatory hearing to occur after completion of investigation by the OPLC Division of Enforcement.

**VII. CONCLUSION AND DECISION:**

Pursuant to RSA 541-A:30(III) and 329:18-b, the Board hereby vacates the emergency suspension of Pierre Angiers, license as a New Hampshire Physician as of 06/01/22. A Notice of Disciplinary Adjudicatory Hearing shall issue at a later date.

DATED: 7/19/2022

\_\_\_\_\_/s/ Nikolas K. Frye, Esq.\_\_\_\_\_  
Nikolas K. Frye, Esq., Hearings Examiner

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