

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

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**BOARD OF MEDICINE**

**In Re: Christopher Manfred, MD  
Med. Lic. No. 15218 inactive**

**FINAL ORDER AND DECISION FOR  
HEARING ON COMPLIANCE WITH  
08/07/17 ORDER AS AMENDED IN  
DOCKET No.: 16-11**

Docket No.: 23-MED-010

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**I. ATTENDEES:**

Dr. Emily R. Baker, Board President (Recused, did not participate, present as part of the public for public session)  
Dr. Richard Kardell, Board Member  
Dr. Jonathan Ballard, Board Member  
Dr. David Goldberg, Board Member  
Dr. Jonathan Eddinger, Board Member  
Dr. Marc L. Bertrand, Board Member (Recused, did not participate, present as part of the public for public session)  
Nina Gardner, Board Member  
Linda Tatarczuch, Board Member  
Talía Wilson, Administrator  
Charlene Anstead, Administrator  
Attorney James J. Armillay, Counsel for Petitioner  
Christopher Manfred, Petitioner  
Nikolas K. Frye, Esq., OPLC Hearings Examiner and Presiding Officer  
Shane Goulet, Esq., Board Counsel

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

On or about 2/28/23 Christopher Manfred, MD (“Petitioner”), through his attorney, submitted a Petition for Order of Compliance to the New Hampshire Board of Medicine (“Board”). On 5/3/23 the Board voted to hold a hearing in this matter. This final order and decision follows.

**III. PRELIMINARY MATTERS AND SUMMARY OF THE EVIDENCE PRESENTED:**

The Petitioner and his counsel appeared in-person for a hearing on compliance with the Board's 08/07/17 Order as amended on 11/09/18. The issues before the Board were:

- 1) Whether Petitioner can show that he has complied with the conditions imposed upon him by the Board in its 08/07/17 Order of Conditional Approval to Return to Practice, *In re: Christopher S. Manfred, MD*, Docket No.: 16-11, as has been amended by Order Approving Petition to Amend Order of Conditional Approval to Return to Practice and to Approve a Return to Practice in Anesthesiology, *In re: Christopher S. Manfred, MD*, Docket No.: 16-11, such that the Board should enter an order stating that the Petitioner has fully complied with the imposed conditions.
- 2) What if any other and further relief the Board should grant, as it deems just and proper and in compliance with the law.

NOH at II(c).

The Petitioner provided sworn testimony from himself and Dr. Molly Rossignol on his behalf. Additionally, he provided Exhibits A – U<sup>1</sup>, which the presiding officer fully admitted for the Board's consideration. Pursuant to RSA 329:13-b, III, Med. Rule 407.02(f), and RSA 91-A:5, IV, the Presiding Officer, sua sponte, **SEALS** Exhibits C, F, H, I, S, and T.<sup>2</sup> At the outset of the hearing, the Petitioner also requested leave to file a motion to seal his quarterly reports. The Presiding Officer assumes the Petitioner meant Exhibit L, which are labeled "quarterly reports" and are his quarterly reports from the Vermont Practitioner Health Program.<sup>3</sup> The presiding officers **SEALS** Exhibit L pursuant to RSA 329:13-b, III, Med. Rule 407.02(f), and RSA 91-A:5, IV **Per the Petitioner's request to file a motion, a further order on sealing other exhibits may issue if the Petitioner files a motion with the Board.** Pursuant to RSA 91-A:3, II(c), RSA 329:13-b, III and Med. Rule 407.02(f), the Board also voted to hold a portion of the

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<sup>1</sup> For a full list and title of the exhibits see 06/30/23 "Christopher S. Manfred, MD's Proposed Exhibit and Witness List in Docket # 2023-MED-010".

<sup>2</sup> Exhibit C is 04/10/17 New Hampshire Professionals Health Program ("NHPHP") Monitoring Contract; Exhibit F is "Vermont Practitioner Health Program ("VTPHP") Monitoring Contract"; Exhibit H is 04/10/22 VT PHP Completion; Exhibit I is NHPHP Completion; Exhibit S is Letter of Support (NHPHP); Exhibit T is "Letter of Support (VTPHP)".

<sup>3</sup> In making this decision, the presiding officer notes that Exhibit K is the Petitioner's practice monitor quarterly reports.

hearing in non-public session, so that the Petitioner and Dr. Molly Rossignol could discuss the Petitioner's substance use history and treatment in more specific terms.

In public session, the Petitioner's attorney provided an offer of proof that generally summarized the Petitioner's Petition and Exhibits A through U. The Petitioner's attorney argued Exhibits H, I, K, S, T, and E demonstrate the Petitioner's compliance with the conditions imposed upon his license in the Board Orders related to this matter. *See* Exhs. D *and* E. Upon Board questioning in non-public session, the Petitioner candidly explained the circumstances that resulted in him needing to participate in a monitoring program with New Hampshire Professional Health Program. He acknowledged addiction is a chronic disease that he will continue to address. Dr. Rossignol testified to her training and experience in substance use treatment. She also identified addiction is a chronic illness. She noted that research shows that professionals who participate for five years of treatment in a program like NHPHP have a relapse rate of 10-14%. Finally, she clarified that research shows those who are candid about their circumstances have an even lower risk.

#### **IV. FINDINGS OF FACT AND CONCLUSION OF LAW:**

After reviewing the evidence, accounting for the demeanor and credibility of the witnesses, and drawing all reasonable inferences therefrom, the Board finds and concludes that the Petitioner has met his burden of proof as to issue #1 in the notice of hearing such that it should **GRANT** prayer A in the Petition for Order of Compliance dated 02/28/23.

In drawing this legal conclusion, the Board finds the testimony of the Petitioner and Dr. Molly Rossignol was credible. It also specifically finds that after the Board issued its 11/09/18 "Order Approving Petition to Amend Order of Conditional Approval to Return to Practice and To Approve a Return to Practice in Anesthesiology" in docket #16-11, the Petitioner 1) established a work-place monitoring physician prior to his return to work that was approved by the Board, along with the work-place monitoring

agreement between the Petitioner and monitoring physician, *see* Exhs. K, L, and testimony of Petitioner; 2) never changed the work-place monitoring agreement, *see* Exhs. K and L; 3) provided quarterly reports to the Board related to the monitoring agreement, which describes his clinical care, conduct and professionalism while practicing, *see* Exhs. K and L; and 4) adhered to the NHPHP contract for five years from the date of signature by the NHPHP Director or five years after a relapse. *See* Exhs. H, I, S, T, testimony of Dr. Molly Rossignol and testimony of Petitioner. The Board further finds that before issuance of the 11/09/18 “Order Approving Petition to Amend Order of Conditional Approval to Return to Practice and To Approve a Return to Practice in Anesthesiology”, the Petitioner had, following the 08/07/17 “Order of Conditional Approval to Return to Practice”, practiced critical care medicine only for the first year of practice. *See* Exh. E and testimony of Licensee.

**V      ORDERS:**

On 07/05/23 a non-recused quorum of the Board voted to **GRANT** Prayer A of the Petitioner’s Petition for Order of Compliance dated 02/28/23. The Board therefore enters an order stating that the Petitioner has fully complied with the practice conditions imposed by the Board in its 11/09/18 Amended Order of Conditional Approval to Return to Practice in docket # 16-11.<sup>4</sup>

DATED: 7/20/2023

\_\_\_\_\_/s/ Nikolas K. Frye, Esq.  
Nikolas K. Frye, Esq., Hearings Examiner  
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<sup>4</sup> The Board notes that Prayer A, as stated in the petition, appears to have a clerical error stating the order was issued on 11/08/23, instead of 11/09/23. *See* Exh. E. Nonetheless, it is clear what the intent of Prayer A was.