

**State of New Hampshire  
New Hampshire Board of Medicine  
Concord, New Hampshire 03301**

In the Matter of:  
Scott W. Smith, MD  
(License #22208)

Docket No. 2023-MED-Smith-0796

**VOLUNTARY PRELIMINARY AGREEMENT NOT TO PRACTICE**

The New Hampshire Board of Medicine ("Board") first granted Scott W. Smith, MD ("Respondent") a temporary license to practice as a Medical Doctor ("MD") in New Hampshire on 12/11/2020 (#EL04932) with an expiration date of 6/03/2024. On or about 12/06/2021, the Board granted the Respondent Compact License #22208 with an expiration date of 6/30/2025.

On or about 5/23/2023 the Respondent filed a self-report with the Board reporting he was served with an Order of Show Cause and Immediate Suspension of Registration ("Order") from the United State Drug Enforcement Agency ("DEA") dated 5/3/2023. The DEA Order alleged, in part, that *"Between on or about December 26, 2018 and February 20, 2023, you issued approximately 2,224 prescriptions for controlled substances, to include ketamine (a Schedule III controlled substance) to patients in states in which you did not possess a valid medical license or approved waiver, or failed to consult state prescription drug monitoring programs as required by state regulations."*

On or about 6/7/2023, the Respondent accepted a Voluntary Surrender in the State of Alabama whereby the Respondent agreed to surrender his medical license (#MD43125). On or about 7/20/2023, the State of Maine issued a 90-day suspension of the Respondent's license

(#MD25162). On or about 7/25/2023, the Respondent self-reported to the New Hampshire Board of Medicine:

- Utah: Relinquished license without investigation.
- Alabama: Surrendered license while under investigation.
- Virginia: Suspension of license based on action in another state.
- Maine: 90-day suspension of license.

On or about 7/31/2023, the Respondent permanently surrendered his license to practice in the State of Maine “*while under investigation for alleged inappropriate prescribing of controlled substances and violation of Board rules.*” On or about 8/3/2023, the Respondent emailed additional information to the New Hampshire Board of Medicine to indicate the following:

- “*I am required to notify you that I have voluntarily surrendered my medical license in the following states:  
  
Maine, Wisconsin, Michigan, Illinois, Arkansas, Virginia, and Alabama.  
  
I have previously contacted you about the suspension of my DEA COR.*

Recognizing that professional misconduct allegations are now pending against the Respondent before the New Hampshire Board of Medicine, the Respondent enters into a *Voluntary Preliminary Agreement Not to Practice* with the Board as follows:

1. I, Scott W. Smith, voluntarily agree not to practice as a Medical Doctor in the State of New Hampshire effective upon my signing this *Voluntary Preliminary Agreement Not to Practice*.
2. I admit to no violations of NH RSA CHAPTER 329 or any administrative rules, ethical provisions, or any other laws, statutes, or regulations, adopted by the Board.


3. Understanding that this *Voluntary Preliminary Agreement Not to Practice* and the restrictions herein shall remain until further order of the Board, I hereby specifically waive any statute of limitations, or laches defense, which might be then available, including but not limited to, those based on RSA 332-G: 8 and RSA 332-G: 9.
4. I understand that this *Voluntary Preliminary Agreement Not to Practice* shall remain in place until such time the ongoing investigation into this matter is completed and the adjudicatory process has been completed.
5. In the event that I apply for a renewal of my license while this agreement is in effect, I voluntarily agree to waive any statutory or administrative time deadlines regarding the Board's final action on any such license renewal application. I understand that by waiving such deadlines, the Board's final action on any such license renewal application will be automatically deferred until after the disposition of this Board matter and that my license will not expire while this Preliminary Agreement is in effect.
6. I voluntarily enter into this *Voluntary Preliminary Agreement Not to Practice* with the Board and state that no promises or representations have been made to me other than those terms and conditions expressly stated herein.
7. I further understand that this document shall become a permanent part of my file, maintained by the Board as a public document and will be reported out as an adverse action against me.
8. I have had the opportunity to seek and obtain the advice of an attorney of my choosing in connection with my decision to sign this *Voluntary Preliminary Agreement Not to Practice*.

9. I am of sound mind and not under the influence of any substance that would impair my judgement at the time I sign this Preliminary Agreement.
10. I understand that my failure to comply with the terms of this *Voluntary Preliminary Agreement Not to Practice* shall constitute unprofessional conduct under Chapter RSA 329 and may subject me to discipline under RSA 329: 17.

Date:

8/11/2023

FOR RESPONDENT

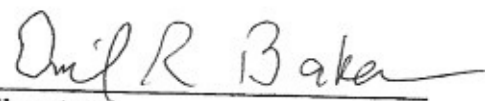
  
Respondent (Scott W. Smith, MD)

FOR THE BOARD

This *Voluntary Preliminary Agreement Not to Practice* is hereby accepted in accordance with the binding terms and conditions set forth above.

Date:

8/11/2023

  
(Signature)

Emily R. Baker MD

Print Name

Authorized Representative of the  
New Hampshire Board of Medicine