I. CASE SUMMARY/PROCEDURAL HISTORY:

The Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement”) filed a “Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 310:12, IV and N.H. Code Admin. R. Title Plc 206.07” (“Petition”) pertaining to Adnan Khan, (“Licensee”). The factual allegations contained in the Verified Petition were then supplemented by OPLC Enforcement in a 05/15/24 pleading, which effectively renewed the Petition. On Monday 05/20/24, the Board held an emergency meeting and voted to suspend the Licensee’s privilege to practice as a physician in New Hampshire on an emergency basis pursuant RSA 541-A:30(III); RSA 310:12, IV, and N.H. Code Admin. R., Title Plc 206.07 (“Plc”) (“Rules”).

II. LEGAL STANDARD:

“In cases involving imminent danger to public health, safety, or welfare, a board may order immediate suspension of a license or certification pending an adjudicative proceeding before the board to determine if the suspension should remain in place pending final adjudication of the matter.” RSA 310:12, IV. The Office of Professional Licensure and Certification has further interpreted that to mean that the Board “…shall issue an order that immediately suspends the respondent’s license based on: (1) [a] determination
that there is a reasonable basis to believe that public health, safety, or welfare requires emergency action…” Rule 206.07(a)(1).

III. EVIDENCE PRESENTED AND FINDINGS OF FACT:

A. Evidence Presented

The Board was presented with and/or considered the following evidence: a 05/06/24 “Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 310:12, IV and N. H. Code Admin. R. Title Plc 206.07” filed by Eric M. Goulet, OPLC Enforcement Investigator and Karen Belair, OPLC Enforcement Investigator (“Verified Petition”); a 05/15/24 pleading from OPLC Enforcement, which effectively renewed the Petition; and sworn testimony from Michael Porter, Eric Goulet, and Karen Belair. The Board also relied on its collective knowledge and expertise in the field it regulates.

B. Findings of Fact

A review of the evidence presented, and the reasonable inferences taken therefrom, allows the Board to find the following facts. The Licensee currently holds an active New Hampshire physician’s license and was recently arraigned in Burlington, Vermont federal court on felony charges relating to his practice of medicine at New England Medicine and Counseling Associates, PLLC, which has locations in New Hampshire and treats individuals with substance use disorders— a vulnerable population. The indictment includes charges of conspiracy to distribute narcotics; narcotics – sell, distribute, or dispense; attempt and conspiracy to commit fraud; and health care fraud. While his bail conditions prohibit Dr. Khan from prescribing controlled substances, the OPLC Enforcement’s recent check of his DEA license shows it as “active.” Patients of the Licensee requesting a refill through a pharmacy have still been able to procure controlled substances with the Licensee listed as the prescribing physician. Additionally, the Licensee has a substantial history of professional misconduct allegations before both the New Hampshire
and Vermont Boards of Medicine, and the New Hampshire Board of Pharmacy, starting in 2014 and running through present day.

IV. CONCLUSIONS OF LAW:

The Board concludes there is a reasonable basis to believe that the public health, safety, or welfare requires the emergency action of suspending the Licensee’s New Hampshire physician’s license pursuant to RSA 310:12, IV and Plc 206.07(a)(1). The central facts are straightforward—on 04/23/24 the Licensee was arraigned in Burlington Vermont Federal Court on charges relating to his practice of medicine at New England Medicine and Counseling Associates, PLLC, where he treats patients with substance-use disorders. The indictment includes charges of conspiracy to distribute narcotics; narcotics – sell, distribute, or dispense; attempt and conspiracy to commit fraud; and health care fraud. The indictment further alleges the Licensee’s conduct caused harm to patients. Additionally, the Licensee has multiple New England Medicine and Counselling Associates, PLLC clinics in the State of New Hampshire and remains actively licensed in New Hampshire. Although his bail conditions prohibit him from prescribing controlled substances, the evidence presented demonstrated that his DEA license appears to be active and pharmacies are processing refills with his name listed as the prescribing physician.

Using its combined training and experience, the Board concludes that the Licensee’s conduct, on its face, poses an imminent danger to the New Hampshire public health, safety, or welfare while he remains licensed as a New Hampshire physician. The Board therefore orders the immediate emergency suspension of Adnan Khan’s license pursuant to RSA 310:12, IV, pending a follow-up emergency suspension disciplinary hearing.

V. ORDER:

Pursuant to RSA 310:12, IV and Rule 206.07(a), the Board hereby orders the immediate emergency suspension of Adnan Kahn’s license as a New Hampshire physician, pending a follow up
emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 5/21/2024

_/s/ Nikolas K. Frye, Presiding Officer
Nikolas K. Frye, Administrative Law Judge
New Hampshire Office of Professional Licensure & Certification
7 Eagle Square
Concord, NH 03301