



State of New Hampshire
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
DIVISION OF LICENSING AND BOARD ADMINISTRATION
Board of Medicine
7 Eagle Square, Concord, NH 03301-2412
Phone: 603-271-2152

PUBLIC MINUTES
August 2, 2023

I. Call to Order

The regularly scheduled meeting of the New Hampshire Board of Medicine was held at 7 Eagle Square on August 2, 2023. Unless otherwise indicated, the members present, and participating were:

Emily Baker, M.D., President
Marc Bertrand, M.D., Vice President
Richard Kardell, D.O.
David Goldberg, M.D.
Jonathan Ballard, M.D.
Linda M. Tatarczuch, Public Member
Nina C. Gardner Public Member - Absent
Jonathan Eddinger, M.D. - Absent
Shane Goulet, Esquire, Board Counsel
Talia Wilson, Senior Board Administrator
Charlene Anstead, Board Administrator

Dr. Baker, Board President, opened the meeting at 8:12 a.m. and entered a non-meeting on a motion by Richard Kardell and seconded by David Goldberg.

The Board re-entered public session at 8:14am

Motion to commence 1st non-public session:

8:16 a.m. On motion of Marc Bertrand and seconded by Linda Tatarczuch, the Board voted to conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct, physician applications with irregularities and other confidential Board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3, II (e), RSA 91-A:5, IV, RSA 329:18, I, RSA 329:18-a, IV, RSA 329:29, *Lodge v. Knowlton*, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Each member recorded his or her vote on the motion, which passed by the unanimous roll call vote of all members present.

1:02 p.m. On motion of David Goldberg and seconded by Linda Tatarczuch, the Board voted to return to public session. Each member recorded his or her vote on the motion, which passed by the unanimous roll call vote of all members present.

Motion to keep minutes of 1st non-public session confidential:

Upon the motion of Marc Bertrand and seconded by David Goldberg, the Board voted to withhold the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A:3, III on the grounds that public disclosure would be likely to affect adversely the reputation of a person other than a board member and/or to render the proposed action ineffective and/or is not subject to public disclosure pursuant to RSA 329:18, I, RSA 329:18-a, IV or RSA 329:29. However, forty-eight hours after the mailing of any order, its respective vote shall automatically become public in accordance with RSA 329:18-a. Each member recorded his or her vote on the motion, which passed by the unanimous roll call vote of all members present.

Motion to commence 2nd non-public session:

4:18 p.m. *On motion of David Goldberg and seconded by Richard Kardell, the Board voted to conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct, physician applications with irregularities and other confidential Board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3, II (e), RSA 91-A:5, IV, RSA 329:18, I, RSA 329:18-a, IV, RSA 329:29, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Each member recorded his or her vote on the motion, which passed by the unanimous roll call vote of all members present.*

4:58 p.m. *On motion of Richard Kardell and seconded by Marc Bertrand, the Board voted to return to public session. Each member recorded his or her vote on the motion, which passed by the unanimous roll call vote of all members present.*

Motion to keep minutes of 2nd non-public session confidential:

Upon the motion of Marc Bertrand and seconded by Richard Kardell, the Board voted to withhold the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A:3, III on the grounds that public disclosure would be likely to affect adversely the reputation of a person other than a board member and/or to render the proposed action ineffective and/or is not subject to public disclosure pursuant to RSA 329:18, I, RSA 329:18-a, IV or RSA 329:29. However, forty-eight hours after the mailing of any order, its respective vote shall automatically become public in accordance with RSA 329:18-a. Each member recorded his or her vote on the motion, which passed by the unanimous roll call vote of all members present.

The below times are notated for breaks taken by the Board;

10:01 am – Returned at 10:17 am

12:20pm – Returned at 12:44pm

II. Approval Of Minutes – July 5, 2023

On motion of Richard Kardell and seconded by David Goldberg, the Board voted by roll call to approve the minutes of July 5, 2023, as written.

III. Public Appearances/Hearings Before the Board

- A. Reciprocal Show Cause Hearing - 9:00am - Continued
 - Riella
- B. Emergency Hearing - 1:00pm
 - Gray

Attending Counsel:

Attorney Nikolas Frye, Hearing Officer
Attorney Shane Goulet, Board Counsel
Bradley Holt, Esq. Respondent Counsel
John Garrigan, OPLC Administrative Prosecutor

Witnesses that testified:

Eric Goulet, OPLC Investigator
Michael Porter, Chief of Investigation Division
Zachary Chase, CRNA
Alexander Slocum MD

Hearing commenced at 1:19 pm.

Hearing Officer Frye opened the hearing asking Attorney Garrigan to call his first witness. Attorney Garrigan called Eric Goulet, OPLC Investigator, he was sworn in and began his testimony. Investigator Goulet testified to the submitted exhibits of interviews he conducted of witnesses.

Zachary Chase, CRNA was sworn and gave testimony next. He stated that his observation of Dr. Gray was that his tremors are inherent. Mr. Chases' observations never warranted him investigating or reporting it. Mr. Chase also testified in regard to an alleged wrong side surgery performed by Dr. Gray in which he was the anesthesiologist for. He stated that the surgery was scheduled for the left breast but Dr. Gray indicated that it would be disservice to not do the right side instead and proceeded to continue with the right side.

Alexander Slocum, MD was sworn and gave testimony next. Dr. Slocum testified that he has known Dr. Gray for approximate 4 – 5 years and was employed at Atlantic Plastic Surgery with Dr. Gray. Dr. Slocum continued by stating that he had witnessed Dr. Grays tremors and knew them to be a concern to patients, however could not be certain if the tremors were ever a direct cause of harm.

Bureau Chief of Investigations for OPLC Attorney Michael Porter, was sworn in and gave his testimony on his investigation of wrong-site surgery. He acknowledged that during the start of

the investigation that he had not yet reached out to Dr. Gray for an interview before license suspension. Attorney Porter stated that this investigation is continuing, open and ongoing.

Attorney Garrigan had no further witnesses.

Hearing Officer Frye asked Attorney Holt to call his first witness.

Attorney Holt called upon Dr. Gray and he was sworn in and gave his testimony. Dr. Gray maintained that he will not perform any surgeries that may take more than four and one-half hours to perform or microsurgeries. Dr. Gray stated that for three years he has not been removing sutures. Dr. Gray also explained regarding the wrong site surgery as to why he determined that continuing with the right side instead of the left was in the patient's best interest.

John Garrigan, Administrative Prosecutor and Respondent Counsel Bradley Holt both made their closing arguments.

Hearing Officer Frye closed the hearing at 4:17pm

IV. License Applications

On motion by Jonathan Ballard and seconded by Richard Kardell, the Board voted unanimously by roll call to approve the following licenses reviewed during non-public session.

PHYSICIAN LICENSES AND RENEWALS:

Hassan Elamin MD, Dalia - Renewal
Jorgensen MD, Keith D. - Renewal
Lord MD, Frederic- Renewal
Martin MD, Wendy - Renewal
Nam MD, Daniel - Renewal
Nguyen MD, Khanh L. - Renewal
Simon MD, Jason E. – Renewal
Haq MD, Imran – Loc Ten
Perry MD, Loring - Loc Ten
Ravvin MD, Konstantin - Loc Ten
Abeysinghe MD, Champa
Ahmad MD, Asif
Akintide MD, Adedoyin
Barre MD, Luke
Bastakoti MD, Subash
Clinton MD, Timothy
Cockrum MD, David
DeNapoles MD, Christopher
Ellaithy MD, Amr

Englert DO, Ronald
Feldman MD, Adam S.
Field DO, Lauren J.
Graham MD, Jeffrey
Grossman MD, Rafael
Gupta MD, Rajiv
Haq MD, Imran
Horsely MD, Sylvia
Hsu MD, William
Kil MD, Daniel H.
Killiam MD, Jonathan
Kung MD, David
Kwitkin MD, Brian
Lord MD, Jayson
Madan MD, Neel
Makim MD, Shital
Maynard III MD, Ken
Meer DO, Baruch
Mendelson MC, Kenneth
Mittapalli MD, Aruna
Morissette PA, Lee
Ostow MD, Abigail
Patterson MD Eltanya
Phares MD, Robert
Preston MD, Mark A.
Rifino DO, James
Robbins MD, Mark S.
Rollins MD, Andrea
Runyon MD, Robert
Ryan III DO, Walter
Siliski MD, John M.
Sister MD, Igor
Stein MD, Bernice
Steinhardt MD, Angela
Strogov MD, Peter
Vellayappan MD, Usha
Williams MD, Ziv
Young MD, David

On motion by Linda Tatarczuch and seconded by David Goldberg, the Board voted unanimously by roll call to deny the following applications reviewed during non-public session.

Manrique MD, Daniel
Rieder DO, Jonathan H.

On motion by Linda Tatarczuch and seconded by David Goldberg, the Board voted unanimously by roll call to issue a non-disciplinary show cause hearing notice on the following application reviewed during non-public session.

Maria Basco, MD – Reinstatement

V. Board President Report

NONE

VI. Board Administration/OPLC Updates

NONE

A. Enforcement Division Director Jessica Kallipolites

NONE

VII. Public New Business

NONE

VIII. Rules/Laws

A. Rules with OPLC Rules Coordinator Tina Kelley

1. Med 102.08, 104.01, and 105.03 – Vote on Final Proposal
2. Med 200 Various - Final Proposal Filed with Admin Rules on 7/5/2023 – FYI
3. Med 600 - Final Proposal Filed with Admin Rules on 7/5/2023 – FYI

On a motion by Richard Kardell and seconded by Marc Bertrand the Board voted to approve as written.

IX. Adjournment:

On motion by Richard Kardell, seconded by Marc Bertrand, the Board voted unanimously by roll call to adjourn the public session at 5:03 p.m.