



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
November 1, 2023

I. Call to Order

The regularly scheduled meeting of the New Hampshire Board of Medicine was held at 7 Eagle Square on November 1, 2023. Unless otherwise indicated, the members present, and participating were:

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

Dr. Baker, Board President, opened the meeting at 8:12 a.m.

Motion to commence 1st non-public session:

8:12 a.m. *On motion of Jonathan Eddinger and seconded by David Goldberg, 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.*

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

Upon the motion of David Goldberg and seconded by Jonathan Eddinger, 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:

9:38 a.m. *On motion of David Goldberg and seconded by Jonathan Eddinger, 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.*

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

Upon the motion of David Goldberg and seconded by Nina Gardner, 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 3rd non-public session:

10:15 a.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.*

Motion to keep minutes of 3rd 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 4th non-public session:

2:05 p.m. *On motion of Jonathan Eddinger and seconded by David Goldberg, 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.*

Motion to keep minutes of 4th non-public session confidential:

Upon the motion of Jonathan Eddinger and seconded by Marc Bertrand, 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;

9:04 am – Returned at 9:10 am

12:02pm – Returned at 12:16pm

II. Approval Of Minutes – October 4, 2023

The October 4, 2023, public minutes were tabled as a result of absenteeism and abstention.

III. Public Appearances/Hearings Before the Board

A. Hearings

1. Kevin Strong, MD – Docket #23-MED-02
Hearing Officer – Nikolas Frye
Hearing Counsel – John Garrigan

The hearing for Kevin Strong commenced at 9:15am. Hearing Officer Frye approved all exhibits submitted by Hearing Counsel. At 9:37am the hearing was paused for the parties to hold a pre-hearing conference. Back on record at 10:13am. Hearing Officer Frye explained to the Board that the hearing would be held in non-public session per 310:9 IV.

2. Layhong Soth, MD – Docket #23-MED-026 - Show Cause Non-Disciplinary Hearing

The hearing for Layhong Soth commenced at 1:12pm. Dr. Soth was not in attendance for the hearing. On a motion by David Goldberg and seconded by Richard Kardell the Board voted that Dr. Soth was in default and the hearing closed at 1:17pm.

3. Stephen Mitchell, DO – Docket #23-MED-025 -Show Cause Non-Disciplinary Hearing - Continued

IV. License Applications

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

McMurry MD, Paul
Ayach MD, Mouhanad
Raiszadeh MD, Kamshad
Letterio MD, George
Kiran MD, Zahra
Sullivan MD, Andrew
Morisey MD, Lee
Wang MD, Lina
Romero MD, Javier
Lapidus MD, Kyle
Heimbinder MD, David

Kwitkin MD, Brian

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

Botros MD, Maged
Waldman MD, Douglas

V. Board President Report

Emily Baker introduced the newest Board member Dr. Beatrice C. Engstrand confirmed on October 18, 2023

VI. Board Administration/OPLC Updates

None

VII. Public New Business

A. Director of Operations, Heather Kelley

Director Kelley informed the Board when CE Broker becomes “live” at OPLC, licensees and medical associations will receive email communication regarding the new continuing education tracking system. In addition, they will receive social media postings and one physical mailing. The initial notification will also be posted to the OPLC Board of Medicine website informing of the changeover from NHMS to CE Broker.

VIII. Rules/Laws

A. **Rules with OPLC Rules Coordinator Tina Kelley**

1. Med 600’s - Adopt

On a motion by Nina Gardner and seconded by Marc Bertrand, the Board voted to adopt the 600’s Rules.

2. Med 303.01 – Initial Proposal

Coordinator Kelley informed the Board that the above rule had expired. Coordinator Kelley is currently in the process of reviewing expiring rules for the Board of Medicine and if any are found, they will be notified of any current rules that are due to, or since expired.

3. Legislation with Board Counsel

Board Counsel Shane Goulet reviewed HB 308 and HB 321 with the Board for informational purposes.

IX. Adjournment:

On motion by Nina Gardner and seconded by Jonathan Eddinger, the Board voted unanimously by roll call to adjourn the public session at 3:25 p.m.