

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

In the Matter of:  
Matthew V. Hopkins, M.D.  
No.: 13013

**SETTLEMENT AGREEMENT**

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of medicine, the New Hampshire Board of Medicine (“Board”) and Matthew V. Hopkins, M.D. (“Dr. Hopkins” or “Respondent”), a physician licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 329:17, I; RSA 329:18; RSA 329:18-a; and Medical Administrative Rule (“Med”) 206 and 210, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by physicians. Pursuant to RSA 329:18-a, III, the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. Pursuant to RSA 329:17-c and Med 410.01, the Board also has jurisdiction to proceed with a reciprocal proceeding against a physician upon receipt of an administratively final order from the licensing authority of another jurisdiction which imposed disciplinary sanctions against the physician.

3. If a reciprocal proceeding were conducted, the Board would be authorized to impose any disciplinary sanction permitted by RSA 329:17, VI; RSA 329:17-c; and Med 410.01(b).
4. The Board first granted Respondent a medical resident license to practice medicine in the State of New Hampshire on June 24, 1999. Respondent held license number RT-0770. Respondent later became licensed to practice medicine and held license number 13013. This license expired on June 30, 2010.
5. On or about October 28, 2009, the Board received a Board Action Disciplinary Alert Report regarding Respondent's Consent Decree with the Wyoming Board of Medicine ("Wyoming Board").
6. In response to this, the Board conducted an investigation and obtained information from various sources pertaining to Respondent's relapse and the subsequent discipline taken by the Wyoming Board.
7. If reciprocal disciplinary proceedings were commenced, Hearing Counsel would prove that on October 24, 2009, a final administrative order ("Order") was issued against Respondent by the Wyoming Board. The Order resolved disciplinary matters pending before the Wyoming Board.
8. As a basis for proceeding against Respondent, the Board states the following:
  - A. On September 25, 2003, the New Hampshire Board issued a Settlement Agreement that resolved pending disciplinary action against Respondent. The terms of this Settlement Agreement included Respondent's participation in a

- five (5) year contract with the New Hampshire Physician Health Program (“NHPHP”).
- B. Respondent subsequently relocated to Wyoming and enrolled in the Wyoming Professional Assistance Program (“WPAP”).
- C. In February of 2009, Respondent self-reported a relapse to WPAP. Respondent acknowledged drinking alcohol during a difficult phase of his personal life.
- D. On October 13, 2009, Respondent signed a Consent Decree with the Wyoming Board, in which he acknowledged that his conduct, if proven true, would constitute grounds for disciplinary action under Wyo. Stat. Ann. § 33-2-0402 (a).
- E. On October 24, 2009, a final order was entered by the Wyoming Board. (See Attachment 1). Respondent was disciplined, and agreed to enter into a new five (5) year contract with WPAP. Respondent also agreed to extend his period of probation for an additional five (5) years.
9. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 329:17-c and Med 410.01.
10. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against Respondent’s license to practice as a physician in the State of New Hampshire.

11. Respondent consents to the Board imposing the following discipline, pursuant to RSA 329:17, VII:
  - A. Pursuant to the terms of the Wyoming Board Order, Respondent is required to enter into a new five (5) year contract with the WPAP. Respondent shall send a signed copy of the WPAP contract to the NH Board within thirty (30) days of the effective date of this Settlement Agreement, as defined below.
  - B. Pursuant to the terms of the Wyoming Board Order, Respondent shall permit WPAP to report any deviation from or violation of the contract to the NH Board. This shall be done within fifteen (15) days of a report to the Wyoming Board.
  - C. Respondent shall bear all costs of the treatment, evaluation, and reporting required by this *Settlement Agreement*, but he shall be permitted to share such costs with third parties.
  - D. Within ten (10) days of the effective date of this agreement, as defined further below, Respondent shall furnish a copy of the *Settlement Agreement* to any current employer for whom Respondent performs services as a physician or work which requires a medical degree and/or medical license or directly or indirectly involves patient care, and to any agency or authority which licenses, certifies or credentials physicians, with which Respondent is presently affiliated.
  - E. For a continuing period of one (1) year from the effective date of this agreement, Respondent shall furnish a copy of this *Settlement Agreement* to

any employer to which Respondent may apply for work as a physician or for work in any capacity which requires a medical degree and/or medical license or directly or indirectly involves patient care, and to any agency or authority that licenses, certifies or credentials physicians, to which Respondent may apply for any such professional privileges or recognition.

12. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 329:17, VI (d), and a separate and sufficient basis for further disciplinary action by the Board.
13. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
14. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
15. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.

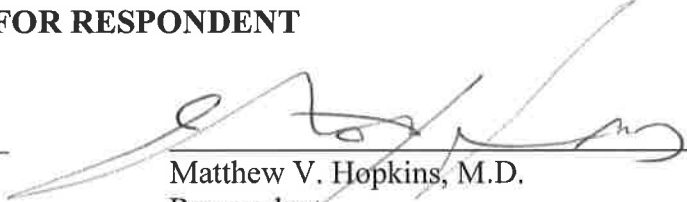
16. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
17. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
18. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this agreement.
19. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board during its review of this *Settlement Agreement* have prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
20. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
21. Respondent certifies that he has read this document titled *Settlement Agreement*. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of

these rights. Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the misconduct described herein.

22. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

**FOR RESPONDENT**

Date: 5-9-11

  
\_\_\_\_\_  
Matthew V. Hopkins, M.D.  
Respondent

Date: \_\_\_\_\_

\_\_\_\_\_  
Counsel for Respondent

**FOR THE BOARD/\***

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: June 3, 2011

  
\_\_\_\_\_  
(Signature)

PENNY TAYLOR  
\_\_\_\_\_  
(Print or Type Name)  
Authorized Representative of the  
New Hampshire Board of Medicine

/\* Amy Feitelson, Board member, recused.

Robert P. Cerrenka, Board member, recused.

**BEFORE THE  
WYOMING BOARD OF MEDICINE**

**FILED**

In the Matter of Matthew V. )  
Hopkins, M.D., Wyoming )  
Medical License #7349A )

Docket No. 10-03

OCT 24 2009

Wyoming Board  
of Medicine

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**CONSENT DECREE**

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COMES NOW, the Wyoming Board of Medicine ("Board"), and Matthew V. Hopkins, M.D. ("Respondent"), who stipulate and agree as follows:

WHEREAS, the Board, is the sole and exclusive regulatory agency of the State of Wyoming regarding the practice of medicine and surgery; and

WHEREAS, the Respondent holds Wyoming physician's license number 7349A issued on May 16, 2006, and is therefore subject to the jurisdiction of the Board; and

WHEREAS, the Board on February 12, 2009, received a letter from George Vandell, Executive Director of Wyoming Professional Assistance Program ("WPAP"), reporting a relapse self-reported by Respondent; and

WHEREAS, the Board opened Complaint Number 242 on February 20, 2009, and brought the matter to the attention of the Board officers on March 6, 2009; and



WHEREAS, Respondent acknowledged said relapse to the Board in a letter dated March 23, 2009; and

WHEREAS, the Board officers have decided that it is appropriate to resolve this matter by Consent Decree under the terms and conditions set forth herein; and

WHEREAS, upon the execution of this Consent Decree, the Board officers shall recommend to the Board that this settlement be approved.

NOW, THEREFORE, in lieu of proceeding to a contested case hearing in this disciplinary case at which the Board could seek sanctions against Respondent's physician's license, Respondent hereby agrees and consents as follows:

1. Respondent admits that the Board is the duly authorized administrative agency of the State of Wyoming with statutory authority to regulate the practice of medicine and surgery in the State of Wyoming; that this Consent Decree and the filing of this Consent Decree is in accordance with the requirements of the law; that the Board is lawfully constituted to consider this matter; that Respondent does not challenge the constitutionality of the Wyoming Medical Practice Act, WYO. STAT. ANN. §§ 33-26-101, *et seq.*; and the Respondent admits that the Board, in acting in this matter, has jurisdiction conferred to it by the Board's duly adopted Rules of Practice and Procedure for Disciplinary Complaints Against Physicians, specifically Chapter 4, Section 4(h) thereof to enter this Consent Decree.

2. In lieu of evidence being presented to the Board in a contested case hearing as provided for in the Wyoming Medical Practice Act and Wyoming Administrative Procedure Act, Respondent in signing this Consent Decree agrees to abide by the following terms and conditions:

- a. Respondent will enter into a new five (5) year contract with WPAP;
- b. Respondent agrees and consents to extend his period of probation for an additional five (5) years;
- c. Respondent will supply to the Board, no later than twenty (20) days after the Board's approval of this Consent Decree, a signed copy of the contract;
- d. Respondent will permit WPAP to report any deviation from or violation of the contract to the Board;
- e. Respondent may apply, after a period of not less than six months, for removal of probation pursuant to WYO. STAT. ANN. § 33-26-406;
- f. Respondent agrees that he will comply with the Wyoming Medical Practice Act.
- g. Respondent agrees that any violation of this Consent Decree constitutes grounds for disciplinary action pursuant to WYO. STAT. ANN. § 33-26-402(a)(xxxiv).

3. Respondent agrees that the conduct alleged in the complaint in this matter, if proven true, would constitute grounds for disciplinary action under WYO. STAT. ANN. § 33-26-402(a).

4. Respondent agrees that the Board, in acting in this matter, is not acting beyond the jurisdiction conferred on it by any provision of law and by its duly adopted Rules and Regulations.

5. By entering into this Consent Decree, Respondent knowingly and voluntarily waives the right to a contested case hearing in this matter and to the following rights related to that hearing: to present witness and testimony in defense or in mitigation of any disciplinary action or sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence offered against him; to present legal arguments by means of a brief; and to petition for judicial review of any final Board order.

6. This Consent Decree, once approved by the Board, is a final order pursuant to WYO. STAT. ANN. § 33-26-408(c) and as such shall be reported to the Federation of State Medical Boards and to the National Practitioner Data Bank pursuant to the Health Care Quality Improvement Act of 1986, Title IV of Public Law 99-660, as amended, and Federal Regulations at 45 CFR Part 60. The Consent Decree shall also be reportable as provided in Chapter 4, Section 9 and Chapter 6, Section 3 of the Board's RULES AND REGULATIONS.

7. Respondent acknowledges that this Consent Decree is between Respondent and the Board only and that this Consent Decree will have no legal

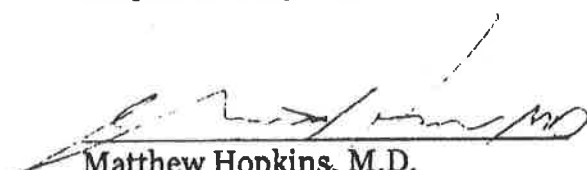
effect unless and until the entire Board approves its contents. If the Board does not approve this Consent Decree, and this matter should proceed to a contested case hearing, Respondent will not assert Board consideration of the Consent Decree as grounds to assert bias, prejudice, prejudgment and similar defenses at said contested case hearing.

8. Respondent acknowledges that he has been offered the opportunity to confer with counsel regarding this Consent Decree; that he understands each of the terms hereof; and that he is entering into this Consent Decree freely and voluntarily.

9. This Consent Decree constitutes the entire agreement between the Board and the Respondent; there are no other agreements or understandings which are not set forth herein; and this Consent Decree may not be modified or amended, except in writing executed by all parties hereto.

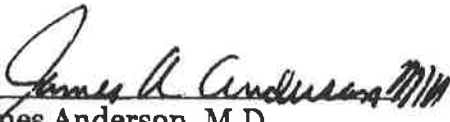
10. If any part of this Consent Decree is later declared void or otherwise unenforceable, the remainder of the Consent Decree in its entirety shall remain in full force and effect.


11. If the terms and conditions of this Consent Decree are approved by the Board, this Consent Decree will be effective as of the date on which Respondent signs it.

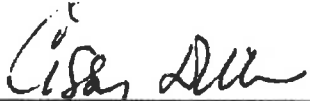
  
Matthew Hopkins, M.D.  
Respondent

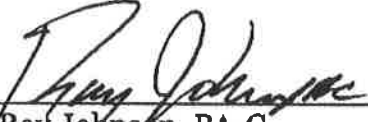
10-13-09  
Date


Approved by the Board of Medicine this 24<sup>th</sup> day of October, 2009.

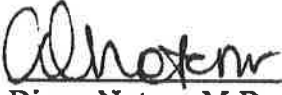
  
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