

**Before the
New Hampshire Board of Medicine
Concord, New Hampshire**

In the Matter of:

Tim J. Baisch, M.D.
(Application for Initial Licensure)

**ORDER OF CONDITIONAL APPROVAL OF APPLICATION
FOR INITIAL TEMPORARY LICENSE**

The NH Board of Medicine (“Board”) received an application for a temporary (six-month) license (“application”) from Tim J. Baisch, M.D. (“Dr. Baisch” or “The Applicant”) dated December 11, 2011. That application was not sufficiently complete to allow Board action until January 4, 2012. On February 1, 2012, the Board’s next regularly scheduled meeting date, the Board referred the application to the Medical Review Subcommittee (“MRSC”) for investigation regarding Dr. Baisch’s suspension from North Adams Regional Hospital. At the Board’s regularly scheduled April 2012 meeting, it conditionally approved the application as further detailed below.

Background

The Board’s February 1, 2012 referral for investigation requested information regarding Dr. Baisch’s suspension from North Adams Regional Hospital on October 27, 2011. At that time, the Board also requested the MRSC to confirm that Dr. Baisch is enrolled in Acumen, as he indicated in his response to question #11 of the application. If the MRSC determined that Dr. Baisch was enrolled in Acumen, the Board requested to know: (1) when Dr. Baisch was attending Acumen; and (2) if he already attended, what were the recommendations made by Acumen. The Board received the following information from the MRSC¹:

1. A Report of Investigation dated March 15, 2012;
2. A Multidisciplinary Clinical Consultation/Assessment of Dr. Baisch from Acumen Assessments, LLC;

¹ Pursuant to RSA 329:29 this information is not available for public inspection.

3. A letter from Sally Garhart, M.D., NH Professionals Health Program Director;
4. A confidential memorandum from Dori Tohill, Board's Investigator;
5. A letter from the Commonwealth of Massachusetts, Board of Registration in Medicine; and
6. A letter from Dr. Baisch with detailed information regarding his brief suspension at North Adams Regional Hospital in October 2011.

The Board reviewed all of the information submitted at its April 2012 meeting and found that approval of Dr. Baisch's license should be conditioned upon protective restrictions pursuant to RSA 329:14. Accordingly, the Board voted to issue Dr. Baisch a Conditional Temporary License as follows:

1. Dr. Baisch shall have reports submitted to the Board as defined below:
 - a. From each of the following individuals who are employed at the hospital where he is practicing:
 - i. The Chief of Surgery; and
 - ii. The Nurse Manager of the Operating Room or the Nurse Manager of Surgical Services
 - b. At the following intervals:
 - i. For the first two years from the effective date of this order – on a quarterly basis (every three months); and
 - ii. For the following three years (for a total of five years from the effective date of this order) – on a semi-annual basis (every six months)
 - c. Each report will address Dr. Baisch's interactions with:
 - i. Peers;
 - ii. Staff; and
 - iii. Patients

And

2. Within three weeks of the effective date of this order, Dr. Baisch shall enter into a contract with the NH Professionals Health Program for a period of five (5) years; and
3. Upon receipt of the signed contract with the NH PHP as stated in condition 2, the Board will issue the conditional temporary license; and

4. The Board shall review the reports provided pursuant to condition 1, and any reports provided from the PHP pursuant to condition 2. If these reports are deemed to be negative, they will be referred to investigation and may result in an adjudicatory/disciplinary proceeding.

5. Upon completion of all the above conditions, Dr. Baisch may petition the Board to remove the conditions.

THEREFORE IT IS ORDERED that the application of Tim J. Baisch, M.D. for medical licensure shall be approved with the above restrictions and/or conditions:

IT IS FURTHER ORDERED that this Order of Conditional Approval ("Order") will become a 'final order' within fifteen days of the effective date of this Order, as further defined below; the Order of Conditional Approval may become a 'final order' and a conditional temporary license may be granted sooner if the Applicant accepts the above mentioned conditions and restrictions by filing a written acceptance of this Order with the Board and files a copy of the signed PHP contract.

IT IS FURTHER ORDERED that this Order of Conditional Approval ("Order") will not become a 'final order' if, prior to 2:00 p.m. on the fifteenth day of the effective date of this Order, the Board receives a written request for a hearing; and

IT IS FURTHER ORDERED that receipt of a timely filed hearing request shall automatically stay this Order and a further order shall be issued in due course in which the Board establishes a date and time of the hearing, and specifies the issues to be heard; and

IT IS FURTHER ORDERED that any hearing held in response to this Order shall be a non-adjudicatory hearing conducted pursuant to RSA chapter 329 and if necessary RSA 541-A. The Applicant may request to be heard on any relevant matter of law or fact, but evidentiary proceedings shall be conducted only to the extent the Applicant has identified disputed factual issues which require resolution. This non-adjudicatory hearing will be conducted in non-public

session unless the Applicant makes a timely written request to conduct it in public session. The burden of proof will be on the Applicant to show cause why he should be granted a full-unrestricted temporary license. Subsequent to such hearing, the Board will issue a 'final order' within the statutory amount of time; and

IT IS FURTHER ORDERED that once a Board order is a 'final order' in accordance with either of the circumstances outlined above, the Applicant has thirty (30) days to file a request for reconsideration pursuant to the Board's administrative rules and RSA chapter 541 if applicable; and

IT IS FURTHER ORDERED that a 'final order' shall be considered/reported as adverse action and/or disciplinary action;

IT IS FURTHER ORDERED that a 'final order' is a public document; and

IT IS FURTHER ORDERED that this Order shall take effect as an Order of the Board on the date it is signed by an authorized representative of the New Hampshire Board of Medicine.

*BY ORDER OF THE BOARD

Date:

April 20, 2012

Penny Taylor

Penny Taylor, Administrator
Authorized Representative of the
New Hampshire Board of Medicine

*Board member Robert P. Cervenka, M.D. recused.