

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

**In the Matter of:
George M. Nowak, M.D.
License No.: 9167**

AGREEMENT FOR NON-DISCIPLINARY REMEDIAL ACTION

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 George M. Nowak, M.D. (“Dr. Nowak” or “Respondent”), a physician licensed by the Board, do hereby stipulate and agree to resolve certain allegations now pending before the Board according to the following terms and conditions:

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 agreement and without commencing a hearing.

The Board first granted Respondent a license to practice medicine in the State of New Hampshire on May 4, 1994. Respondent holds license number 9167. Respondent is currently practicing medicine as a psychiatrist in Portsmouth, New Hampshire.

1. On June 1, 2015, the Board received a letter from Respondent in which he self-reported a sexual relationship with a former female patient and informed the Board that he was voluntarily entering a six week residential treatment program at Keystone Center, specializing in the treatment of boundary violations. Respondent disclosed

that the relationship began when the subject individual was his patient, but that she has not been a patient for approximately nine years.

2. Upon Respondent's return from the residential treatment program at Keystone Center, Respondent voluntarily attended a boundaries course at Professional Boundaries Inc. in August 2015, thereby obtaining 32 hours of continuing medical education on the issue of maintaining professional boundaries. In addition, in November 2015 Respondent voluntarily sought a Full Fitness to Practice Evaluation from Acumen Assessments. This included a full psychological and forensic evaluation, as well as a polygraph. Acumen concluded that Respondent was fit to practice.
3. On January 4, 2016, the Board accepted a Preliminary Agreement for Practice Restrictions in which Respondent voluntarily agreed to abide by certain conditions of practice. These conditions, which were based on recommendations made by Acumen Assessments, originated from Respondent voluntarily identifying steps he could take in order to practice medicine effectively and safely.
4. Subsequently, the Board received and reviewed information pertaining to Respondent's condition for which he receives treatment.
5. Based on the information received and reviewed by the Board, it finds, pursuant to RSA 329:17, VI-a, that Respondent has a condition, and that Respondent and the public are best served by Respondent's ongoing participation in treatment in order to prevent relapse or harm to the public.

6. Based on the Board's affirmative finding in paragraph 5, Respondent consents to the Board imposing the following non-disciplinary remedial action, pursuant to RSA 329:17, VI-a:

A. For as long as he is licensed by this Board, Respondent agrees to the following terms:

1. Respondent must remain in a monitoring contract with New Hampshire Professionals Health Program (NHPHP) for whatever period deemed necessary by NHPHP.
2. Respondent must maintain treatment with a NHPHP approved psychotherapy treatment provider for at least bi-monthly appointments for a time deemed appropriate by those who are treating him in coordination with NHPHP. Respondent must also participate in any follow-up treatment recommended by the Keystone Center.
3. Respondent must refrain from conducting psychotherapy with female patients, with the exception of any female patients existing at the time of the effective date of this *Agreement*.
4. Respondent must refrain from conducting Suboxone treatment with any new female patients for more than emergency services at addiction recovery services for no longer than a three (3) week period.

5. Respondent must not see any female medication management patients for more than 15-20 minutes for follow-up appointments and 60-90 minutes for initial medication consultations.
 6. Respondent must always have a receptionist in the office while he is working, but that in the rare event that the receptionist needs to leave the office unexpectedly, Respondent must contact NHPHP as soon as he knows of the receptionist needing to leave and may keep scheduled appointments so as to not disrupt patient care.
 7. Respondent must not provide after office hours visits, home visits, or emergency interventions.
 8. Respondent must continue to abide by any recommendations made by the provider he consulted regarding alternative antidepressant trial, such as Prozac, as well as a trial of Naltrexone.
 9. Respondent must remain abstinent from all substances of abuse.
- B. The above terms shall remain in effect so long as Respondent is licensed by this Board. However, at any time following three (3) years from the effective date of this *Agreement*, Respondent may petition the Board and request that one or more of the above terms on his license be modified or removed. In the event of such a request, the burden shall be on Respondent to show why any one of the above terms are no longer necessary.

- C. The Agreement for Preliminary Practice Restrictions entered into by Respondent on January 4, 2016 is hereby revoked and replaced with this *Agreement*.
- D. Respondent shall bear all costs resulting from this *Agreement*, but he shall be permitted to share such costs with third parties.
- E. The Board may consider Respondent's compliance with the terms herein and with the recommendations of any treating mental health and/or medical professional in any subsequent proceeding before the Board regarding Respondent's license.
- F. Within ten (10) days of the effective date of this *Agreement*, as defined further below, Respondent shall furnish a copy of this *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.
- G. From the effective date of this *Agreement*, and for a period of one (1) year, Respondent shall furnish a copy of this *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.

7. The Respondent makes no admission. However, the Respondent's breach of any terms or conditions of this *Agreement* shall constitute unprofessional conduct pursuant to RSA 329:17, VI (d), and shall be a sufficient basis for disciplinary action by the Board.
8. Except as provided herein, this *Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct allegations in Respondent's self-report to the Board.
9. This *Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document. Accordingly, the Board may furnish a copy of this *Agreement* to any State in which Respondent has been, is currently, or may become, licensed to practice medicine.
10. Respondent voluntarily enters into and signs this *Agreement* and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
11. The Board agrees that in return for Respondent executing this *Agreement*, it will not proceed with the formal adjudicatory process based upon the facts described herein and in Respondent's self-report to the Board.
12. Respondent understands that his action in entering into this *Agreement* is a final act and not subject to reconsideration or judicial review or appeal.

13. 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.
14. Respondent understands that the Board must review and accept the terms of this *Agreement*. If the Board rejects any portion, the entire *Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board during its review of this *Agreement* have prejudiced his right to a fair and impartial hearing in the future if this *Agreement* is not accepted by the Board.
15. The Board agrees to seal and protect as confidential, the information it has received and reviewed regarding Respondent's condition.
16. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Agreement*.
17. Respondent certifies that he has read this document titled *Agreement For Non-Disciplinary Remedial Action*. 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 *Agreement*, he waives these rights as they pertain to the misconduct described herein.
18. This *Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.


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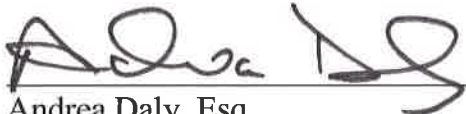
NH BOARD

FOR RESPONDENT

Date: 11/15/16


George M. Nowak, M.D.
Respondent

Date: November 15, 2016


Andrea Daly, Esq.
Counsel for Respondent

FOR THE BOARD/*

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

Date: 12/9/2016


(Signature)

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

LOUIS Rosenthal, MD and
/* Mark Sullivan, PA, Board members, recused.