

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

In the Matter of:

**John F. Warren, M.D.
License No.: 15398
(Adjudicatory/Disciplinary Proceeding)**

Docket #: 16-01

FINAL DECISION AND ORDER

Before the New Hampshire Board of Medicine (“Board”) is an adjudicatory/disciplinary proceeding in the matter of John F. Warren, M.D. (“Respondent” or “Dr. Warren”).

Background Information

Dr. Warren was granted a license to practice medicine in the State of New Hampshire on September 7, 2011. Dr. Warren holds license number 15398.

The Board received a renewal application (“application”) from Dr. Warren dated March 23, 2015. On May 20, 2015 the application, pursuant to RSA 329:16-a, was administratively renewed. The license was, however, inadvertently renewed as there was no proof that the provisions of RSA 329:16-g, Continuing Medical Education (“CMEs”) Requirement had been met. The Board learned that the CMEs were not yet approved by the NH Medical Society (“NHMS”) CME Coordinator.

As a result, both the NHMS and the Board office made attempts to work with Dr. Warren’s staff to receive verification of his completed CMEs. Dr. Warren’s office then became completely unresponsive to the Board administrator’s and the NHMS’s requests for CME reporting after July 6, 2015. Since no verification was received, the Board sent Dr. Warren a letter via certified mail dated October 14, 2015, indicating that he comply with all CME reporting requirements. Dr. Warren’s office received the certified letter on October 19, 2015. Both the NHMS CME Coordinator and the Board’s administrator have attempted to rectify this situation since October 19, 2015 with Dr. Warren’s staff to no avail.

Likewise, there has been no request from Dr. Warren requesting an extension of time to complete the CME requirements. Finally, in failing to respond to the Board’s October 14, 2015

certified letter, it appeared Dr. Warren also ignored a formal Board request to comply with the CME reporting requirements.

A. The Board's Administrative Rules, specifically Med 402.02(b), indicate:

The New Hampshire Medical Society (NHMS) shall audit and investigate the annual continuing education reports of each licensed physician, and shall prepare a written report which records the credits awarded to each licensee during the 2 year period applicable to each licensee. NHMS shall report to the Board the failure of any licensee to fulfill the CME requirements. Unless excused by the board for good cause shown, including accident, illness, hardship or other circumstances beyond the control of the licensee, the board shall pursue disciplinary action against licensees whose failure to comply is reported to the Board.

B. The Board's Administrative Rules, specifically Med 501.02(c), indicate:

A licensee shall cooperate with investigations and requests for information from the board and from other licensing or credentialing organizations.

Based on the above information, the Board issued an Order to Show Cause and Notice of Hearing on November 17, 2016 for failure to comply with the CME reporting requirement pursuant to RSA 329:16-g and NH Admin. Rule Med 402.02(b) and failure to cooperate with a request for information from the Board pursuant to NH Admin. Rule Med 501.02(c), which indicated that this may result in a loss of license prior to the expiration date of June 30, 2017. The Notice also informed Respondent that he may be represented by counsel at the hearing, at his own expense; and that failure to appear will result in the Board making its decision on whether to revoke without further notice or opportunity to be heard.

The Order to Show Cause and Notice of Hearing was delivered to Dr. Warren's office at Eye & Lasik Center, 33 Riddell Street, Greenfield, Massachusetts and signed for by Angee Hagen (sp) on November 21, 2016. The following Board Exhibits were attached to the Order to show Cause and Notice of Hearing:

1. Exhibit 1 – Dr. Warren's renewal application dated March 23, 2015;
2. Exhibit 2 – Official Transcript from the American Academy of Ophthalmology showing CME activities as of 04-07-2015;
3. Exhibit 3 – E-Mail correspondence between Mary West, CME Coordinator, NH Medical Society, Tracy Kenniff, Practice Administrator, Eye and Lasik Center and Sharon Hebert, License Clerk, NH Board of Medicine, dated May 6, 2015 through July 20, 2015;
4. Exhibit 4 – Certified letter from the Board to Dr. Warren dated October 14, 2015, signed for by Burnett (sp?) on October 16, 2015;

5. Exhibit 5 – Notes from Penny Taylor, Administrator, NH Board of Medicine, regarding telephone calls to Dr. Warren’s office on April 11, 2016, October 18, 2016 and October 19, 2016;
6. Exhibit 6 – E-Mail from Tracy Kenniff, Practice Administrator, Eye and Lasik Center, including a report of CMEs for Dr. Warren, dated October 19, 2016;
7. Exhibit 7 – E-Mail correspondence between Mary West, CME Coordinator, NH Medical Society, Tracy Kenniff, Practice Administrator, Eye and Lasik Center and Penny Taylor, Administrator, NH Board of Medicine, dated October 19, 2016; and
8. Exhibit 8 – E-Mail correspondence between Mary West, CME Coordinator, NH Medical Society, Tracy Kenniff, Practice Administrator, Eye and Lasik Center and Penny Taylor, Administrator, NH Board of Medicine.

The hearing went forward as scheduled on January 4, 2017, commencing at approximately 2:30 p.m. Board members present included:

Michael Barr, M.D., President
Emily R. Baker, M.D., Vice President
Frank B. Dibble, Jr., M.D.
John H. Wheeler, D.O.
Daniel P. Potenza, M.D.
David C. Conway, M.D.
Gilbert J. Fanciullo, M.D.
Mark Sullivan, P.A.
Daniel Morrissey, O.P., Public Member

Michael Barr, M.D., President, served as presiding officer. Respondent did not appear; nor did he request a continuance of the hearing or contact the Board in anyway relative to the scheduled hearing.

Discussion and Rulings

The issues before the Board are whether Respondent violated RSA 329:16-g and NH Admin. Rule Med 402.02(b) by failing to comply with the CME reporting requirement and/or whether Respondent violated NH Admin. Rule Med 501.02(c) by failing to cooperate with a request for information from the Board.

The Board finds that timely notice had been provided to the Respondent with regard to the hearing. The Respondent had over six weeks to prepare and attend or timely ask for a continuance. Respondent did not communicate with the Board during the time the Order to Show Cause and Notice of Hearing was delivered to his office and the date of the hearing.

The Board opened the hearing just after 2:30 p.m. on January 4, 2017. The Presiding Officer read the Order to Show Cause and Notice of Hearing into the record and announced that neither the Respondent nor a representative of the Respondent were present at the hearing. The Presiding Officer then closed the hearing.

RSA 329:17, VI (i) reads that disciplinary action may be taken against a licensee where the Board finds the person “has willfully or repeatedly violated any provision of this chapter or any substantive rule of the board.” The Board finds that Respondent violated RSA 329:16-g and NH Admin. Rule Med 402.02(b) by failing to comply with the CME reporting requirement. The Board also finds that Respondent violated NH Admin. Rule Med 501.02(c) by failing to cooperate with a request for information from the Board.

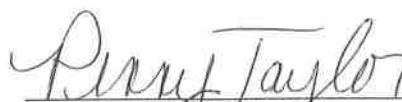
Pursuant to RSA 329:17, VII (c), the Board, upon making an affirmative finding under RSA 329:17, VI, may take disciplinary action against a licensee. The Board voted to REVOKE the license of John F. Warren, M.D. effective the date this Final Decision and Order (“Order”) is signed by an authorized representative of the Board. The Board also voted to assess an administrative fine in the amount of \$2,000. Respondent shall pay this fine in full within thirty (30) days of the effective date of this Order by delivering a money order or bank check, made payable to “Treasurer, State of New Hampshire,” to the Board’s office at 121 South Fruit Street, Concord, New Hampshire.

THEREFORE IT IS ORDERED that the license of John F. Warren, M.D. is REVOKED effective the date this Order is signed by an authorized representative of the Board; and

IT IS FURTHER ORDERED that Respondent is assessed a fine in the amount of \$2,000, which shall be paid in full within thirty (30) days of the effective date of this Order by delivering a money order or bank check, made payable to “Treasurer, State of New Hampshire,” to the Board’s office at 121 South Fruit Street, Concord, New Hampshire.

BY ORDER OF THE BOARD

Dated: 1/20/2017



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