

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

In the Matter of:

Christopher S. Manfred, M.D.

License No.: 15036

(Adjudicatory Proceedings)

Docket No.: 16-11

ORDER OF CONDITIONAL APPROVAL TO RETURN TO PRACTICE

On January 30, 2017, the New Hampshire Board of Medicine (“Board”) issued an Order of Emergency License Suspension and Notice of Hearing (“Suspension”) in the matter of Christopher S. Manfred, M.D. (“Dr. Manfred” or “Respondent”). On January 31, 2017, Dr. Manfred entered into the Preliminary Agreement, which was accepted by the Board the same day and which, by its terms, superseded the emergency order. Pursuant to the Preliminary Agreement, Dr. Manfred agreed to voluntarily cease practicing medicine in the State of NH until such time as he had:

- a. Contracted with the New Hampshire Physician’s Health Program (“NHPHP”);
- b. Received prior approval in writing from the Director of the NHPHP that it is safe for him to commence practicing medicine; and
- c. Received a written order from the Board authorizing him to practice medicine.

Now before the Board is a Petition for Authorization to Practice Medicine (“Petition”), submitted by Cinde Warmington, attorney for Dr. Manfred, on behalf of Dr. Manfred. Dr. Manfred submitted the following documents for review by the Board in support of his request:

1. Dr. Manfred’s *Order of Emergency License Suspension and Notice of Hearing* issued by the Board on January 30, 2017;
2. Dr. Manfred’s *Preliminary Agreement for License Restrictions* issued by the Board on January 31, 2017, which, by its terms, superseded the Suspension;

3. Dr. Manfred's NH Professionals Health Program Monitoring Contract dated April 10, 2017; and
4. Letter from Sally Garhart, Medical Director, NHPHP, dated July 12, 2017, approving Dr. Manfred's return to practicing medicine and stating her opinion that it is safe for Dr. Manfred to return to practicing medicine.

Those materials provide support for the position that Dr. Manfred has contracted with and successfully participated in the NHPHP, and has received approval in writing from the Director of the NHPHP that it is safe for him to commence practicing medicine in a critical care setting.

After reviewing the documentation submitted by Dr. Manfred, the Board voted to conditionally approve Dr. Manfred's return to practicing medicine as detailed below.

1. For the first one (1) year of practice, Dr. Manfred shall practice critical care medicine only; and
2. Dr. Manfred shall establish a work-place monitoring physician prior to his return to work, such monitor to be approved by the Board along with the work-place monitoring agreement between Dr. Manfred and the monitoring physician. Any change to the work-place monitoring physician shall be approved by the Board; and
3. Dr. Manfred shall ensure that the work place monitor provide quarterly reports to the Board describing his clinical care, conduct and professionalism while practicing; and
4. Dr. Manfred shall adhere to the NH PHP contract for five years from the date of signature by the NH PHP Director or five years after a relapse; and
5. Subsequent to Dr. Manfred's first year of practice, in order to return to practice other than critical care medicine, including but not limited to anesthesiology, Dr. Manfred will need to be re-evaluated by Caron Treatment Centers and the return to practice other than critical care medicine shall be approved by the Board.

THEREFORE IT IS ORDERED that the Board conditionally approves Dr. Manfred's

return to practicing medicine with the following restrictions and/or conditions:

1. For the first one (1) year of practice, Dr. Manfred shall practice critical care medicine only; and
2. Dr. Manfred shall establish a work-place monitoring physician prior to his return to work, such monitor to be approved by the Board along with the work-place monitoring agreement between Dr. Manfred and the monitoring physician. Any change to the work-place monitoring physician shall be approved by the Board; and

3. Dr. Manfred shall ensure that the work place monitor provide quarterly reports to the Board describing his clinical care, conduct and professionalism while practicing; and
4. Dr. Manfred shall adhere to the NH PHP contract for five years from the date of signature by the NH PHP Director or five years after a relapse; and
5. Subsequent to Dr. Manfred's first year of practice, in order to return to practice other than critical care medicine, including but not limited to anesthesiology, Dr. Manfred will need to be re-evaluated by Caron Treatment Centers and the return to practice other than critical care medicine shall be approved by the Board.

IT IS FURTHER ORDERED, that this Order of Conditional Approval to Return to Practice ("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 to Return to Practice may become a 'final order' sooner if Dr. Manfred accepts the above mentioned conditions and restrictions by filing a written acceptance of this Order with the Board.

IT IS FURTHER ORDERED, that this 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. Dr. Manfred may request to be heard on any relevant matter of law or fact, but evidentiary proceedings shall be conducted only to the extent Dr. Manfred has identified disputed factual issues which require resolution. This non-adjudicatory hearing will be conducted in non-public session unless Dr. Manfred makes a timely written request to conduct it in public session. The burden of proof will be on Dr. Manfred to show cause why he should be granted the privilege to

practice medicine with a full, unrestricted 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, Dr. Manfred 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' 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:

August 7, 2017

Penny Taylor

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

*\Emily Baker, M.D. and Gilbert Fanciullo, M.D., Board Members, recused.