

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

**In the Matter of:
Peter J. Gould, D.O.
License No.: 11131
(Misconduct Allegations)**

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 Peter J. Gould, D.O. (“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 408, the Board has jurisdiction to investigate and adjudicate this matter. Pursuant to RSA 329:18-a, III, the Board may, at any time, dispose of such allegations by settlement and without commencing a hearing.
2. The Board first granted Respondent a license to practice medicine in the State of New Hampshire on December 6, 2000. Respondent holds license number 11131. Respondent practices family and emergency medicine.
3. On August 22, 2016, the Board received a Notice of Medical Malpractice Filing from the Hillsborough County Superior Court – South. Attached to the notice was a civil complaint filed by the Executrix of the estate of Phyllis Bujnowski (“Bujnowski”). The complaint alleged that, in his capacity as an emergency physician at St. Joseph Hospital in Nashua, Respondent had failed to properly diagnose and treat Bujnowski

when she was brought to the hospital as a result of injuries suffered in a motor vehicle collision.

4. In response, the Board conducted an investigation and obtained information from various sources pertaining to Respondent's diagnosis and treatment of Bujnowski. The Board issued a Notice of Hearing on August 3, 2018 and scheduled that hearing for November 7, 2018.
5. Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel would seek to prove the following facts:
 - A. Bujnowski was an eighty-six (86) year old female, on anticoagulation medication.
 - B. On October 8, 2014, Bujnowski was injured as a result a motor vehicle collision. She was transported by emergency medical personnel to St. Joseph Hospital in Nashua and was seen by Respondent in the emergency department.
 - C. Respondent observed that Bujnowski had clavicle and transverse process fractures. Those injuries were identified through the use of ,computed tomography ("CT") scans of those areas of her body.
 - D. Respondent did not observe any indications of a head injury. He was aware that Bujnowski was taking an anticoagulation medication. The medical record indicated that she was unrestrained at the time of the collision. Respondent did not order a CT scan of Bujnowski's head. She was discharged after observation in the emergency department for two and a half (2 ½) hours.

- E. Later that evening, Bujnowski experienced headache and vomiting and eventually returned to the hospital. She became unresponsive. During this second visit to the hospital, a CT scan performed on her head revealed a large right cerebral subdural hematoma.
 - F. Bujnowski was transferred to the Lahey Clinic for further treatment but died on November 3, 2014.
6. The Board finds that, if proven, the forgoing facts could form a basis for discipline under RSA 329:17, VI. To avoid the delay and expense of a hearing on this matter, Respondent consents to the Board imposing the following discipline, pursuant to RSA 329:17, VII:
- A. Respondent is REPRIMANDED.
 - B. Respondent is required to meaningfully participate in eight (8) hours of continuing medical education. Four (4) of those hours shall be on the subject of coagulopathy, and four (4) hours shall be on the subject of management of trauma in the emergency room setting. These hours shall be in addition to the hours required by the Board for renewal of licensure and shall be completed within one (1) year of the effective date of this *Settlement Agreement*. Within fifteen (15) days of completing these hours, Respondent shall notify the Board and provide written proof of completion.
 - C. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license.

- 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 that require a 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 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. 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.
8. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the conduct described above. However, the Board may consider this conduct as evidence of a pattern of conduct in the event that similar conduct 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 in any future matter.

9. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
10. 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.
11. 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.
12. 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.
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 *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.
15. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
16. 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.

17. 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.

Date: 11/15/18

FOR RESPONDENT

Peter J. Gould D.O.

Peter J. Gould, D.O.
Respondent

Date: 11/20/18

Adam Pignatelli
Adam Pignatelli
Counsel for Respondent

FOR THE BOARD/*

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

Date: 1/7/2019

Penny Taylor
(Signature)

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

David Conway, M.D and
*Nina Gardner, Board members, recused.