

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

In the Matter of:
Concetta Oteri, D.O.
No.: 12549
(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 Concetta Oteri-Ahmadpour, also known as Concetta Oteri ("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, 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 settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to practice medicine in the State of New Hampshire on December 1, 2004. Respondent holds license number 12549. Respondent practices family medicine in Amherst, New Hampshire.
3. In 2018, Respondent entered into a Settlement Agreement to resolve allegations pending against her. The agreement required completion of continuing education courses by a specified deadline. After the deadline, the Board Administrator reported to the Board that Respondent had failed to complete the continuing education requirements.
4. In response to this, the Board issued a Notice of Hearing and Order to Show Cause. Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel would prove that Respondent engaged in professional misconduct, in violation of RSA 329:17, VI (d), by the following facts:
 - A. In 2018, Respondent entered into a Settlement Agreement ("2018 Agreement") to resolve a misconduct allegations then pending against her. The allegations related to Respondent's opioid prescribing practices.
 - B. The 2018 Agreement was signed by the Administrator for the Board on March 20, 2018. On that date, the 2018 Agreement took effect as an Order of the Board.
 - C. Under the terms of the 2018 Agreement, Respondent agreed that any breach of any terms or conditions of the 2018 Agreement would constitute unprofessional conduct subject to further disciplinary action.
 - D. The 2018 Agreement included a number of disciplinary terms including a requirement that Respondent complete continuing education courses. In total, seventy four (74) hours of education was required in six subject areas: fifteen (15) hours in the area of medical record keeping, twelve (12) hours in the area of ethics and/or practice management, fifteen (15) hours in the area of psychopharmacology, twelve (12) hours in the area of treating psychological disorders, ten (10) hours in the area of treating attention deficit disorder, and ten (10) hours in the area of pain management.
 - E. In addition to the continuing education requirements, the 2018 Agreement imposed a suspension of her license to practice and the imposition of an administrative fine. Portions of each of those sanctions were suspended on the condition that Respondent fully satisfy all the requirements set forth in the 2018 Agreement.
 - F. Under the terms of the 2018 Agreement, Respondent was required to complete all continuing education by December 31, 2018. In addition, she was required to submit proof of completion to the board within fifteen (15) days of completion.
 - G. As of January 15, 2019, Respondent had only completed fourteen hours and forty five minutes (14.75) of the seventy four (74) hours of continuing education required

by the 2018 Agreement.

- H. Respondent did not contact the Board to request an extension or modification of the 2018 Agreement terms prior to the completion deadline.
- I. The Board has been made aware of exceptional extenuating circumstances relating to the health of a family member that impaired Respondent's ability to complete her continuing education requirements by the December 31, 2018 deadline.
5. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent committed unprofessional conduct in violation of RSA 329:17, VI (d).
6. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against Respondent's license to practice as a physician in the State of New Hampshire.
7. Respondent consents to the Board imposing the following discipline, pursuant to RSA 329:17, VII:
 - A. Respondent is REPRIMANDED.
 - B. Respondent shall pay two hundred and fifty dollars (\$250.00) towards the COSTS OF INVESTIGATION AND PROSECUTION. Payment shall be made in full within thirty (30) days of the effective date of this Settlement Agreement 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, NH 03301 and making a notation that it is for "Cost of Investigation" pursuant to RSA 332-7:11.
 - C. Respondent shall complete the continuing education requirements of the March 20, 2018 Settlement Agreement no later than November 30, 2019 and provide proof of completion to the Board within 15 days.
 - D. Within ten (10) days of the effective date of this agreement, as defined further below, Respondent shall furnish a copy of this *Settlement 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.
 - 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 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.
8. 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.
9. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct 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 should any further misconduct be proven against Respondent in the future.
10. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
11. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to her other than those terms and conditions expressly stated herein.
12. 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.
13. Respondent understands that her action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
4. Respondent has had the opportunity to seek and obtain the advice of an attorney of her choosing in connection with her decision to enter into this *Settlement Agreement*.
1. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, this entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to

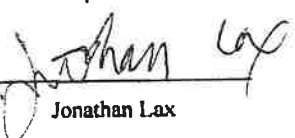
the Board during its review of this *Settlement Agreement* have prejudiced her right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.

16. Respondent is not under the influence of any drugs or alcohol at the time she signs this *Settlement Agreement*.
17. Respondent certifies that she has read this document titled *Settlement Agreement*. Respondent understands that she has the right to a formal adjudicatory hearing concerning this matter and that at said hearing she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her 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*, she waives these rights as they pertain to the misconduct described herein.
18. 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.

FOR RESPONDENT

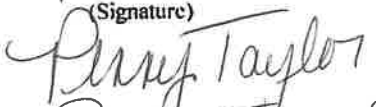
Date:  9-2-19
Concetta Oteri, D.O.

Respondent

Date:  9/3/19
Jonathan Lax
Counsel for Respondent

FOR THE BOARD/*

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

Date: Sept. 10, 2019
(Signature)

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

/* N/A, Board members, recused.