

State of New Hampshire  
Board of Medicine  
Concord, New Hampshire

Docket No 19-01

In the Matter of:

**Hil Rizvi, MD**

License No.: 16380

(Adjudicatory/Disciplinary Proceeding)

**FINAL DECISION AND ORDER**

By the Board:

Daniel P. Potenza, MD, Presiding Officer

Board Panel Members:

David Conway, MD, Board Member

Nina Gardner, Public Member

Don LeBrun, Public Member

Appearances:

Hil Rizvi, M.D.

Pro se

Sheri Phillips, Esq.

Administrative Prosecutions Unit

Hearing Counsel

Also Present:

Laura Lombardi, Esq.

Department of Justice

Counsel for Board of Medicine

Hearing Counsel Witnesses:

Penny Taylor

Administrator, Board of Medicine

Allison Vachon

Investigator, Department of Justice

Respondent Witnesses:

Hil Rizvi, MD

Respondent

Daniel Richard

## Background Information

The New Hampshire Board of Medicine (“Board”) first granted a license to practice medicine in New Hampshire to Hil Rizvi, M.D. (“Dr. Rizvi” or “Respondent”) on November 6, 2013. Dr. Rizvi holds license number 16380. He currently practices at Centre Urgent Care P.C. located in State College, Pennsylvania.

In October 2019, after receiving information that Dr. Rizvi was the subject of disciplinary action taken by licensing boards in other states, the Board initiated an investigation into his 2017 renewal application and his report in the National Practitioner Data Bank (“NPDB”). The investigation revealed that Dr. Rizvi may have: (1) failed to report required information on his 2017 renewal application; (2) made false allegations on his 2017 renewal application; (3) engaged in professional misconduct when interacting with the staff of the Office of Professional Licensure and Certification, including staff assigned to both the Board of Medicine and the Board of Dental Examiners; and (4) engaged in repeated acts of dishonest or unprofessional conduct when dealing with the Board as well as licensing agencies in other states.

Based on the results of the investigation, the Board voted to proceed with a hearing and issued a Notice of Hearing on January 4, 2019, mailed to Dr. Rizvi’s address of record with the Board, which set the hearing for March 6, 2019. However, the day before the hearing was scheduled, it became known that Dr. Rizvi never received the Notice of Hearing because his address of record with the Board was no longer valid. The Board therefore issued an Amended Notice of Hearing on March 11, 2019, which set a new date for the hearing on April 12, 2019. The Amended Notice of Hearing indicated the specific issues to be determined at the hearing, including the issues found at paragraph 6, subparagraphs A-G, claiming potential violation of RSA 329:16-f, II; RSA 329:17, VI(a), (d), and (i); Med 401.03(b)(2),(6) and (8), Med 403.02(a), Med 403.03; and Med 501.02(b).

The hearing took place on April 12, 2019, in front of a panel consisting of the Presiding Officer and three other Board members. See RSA 329:18-a, I and Med 206.02(b). Dr. Rizvi appeared and represented himself.

Dr. Rizvi submitted the following exhibits:

- A. Certified Evaluation by Pennsylvania Board Consultant Dr. James Cornish, MD
- B. Performance Audit, NH Board of Medicine

Hearing Counsel, Sheri Phillips, Esq., submitted the following exhibits:

1. New Hampshire Board of Medicine Online Licensing verification for Hil Rizvi, M.D.
2. 2017 Renewal Application for Hil Rizvi, M.D., dated June 27, 2017
3. National Physician Data Bank (“NPDB”) report, dated October 9, 2017
4. Confidential Memorandum authored by Penny Taylor, dated October 9, 2017
5. New Hampshire Board of Medicine Case Log for Hil Rizvi, M.D.
6. Confidential Letter of Concern-A, dated January 7, 2016
7. Confidential Notice, dated July 10, 2017
8. Response of Hil Rizvi, M.D., dated March 31, 2018
9. Certified Mail to Dr. Rizvi regarding Notice of Hearing, returned to the Board on 1/9/19 indicating “Box Closed-No Order.”
10. Regular Mail to Dr. Rizvi regarding Notice of Hearing, returned to the Board on 1/9/19 indicating “Box Closed-No Order.”
11. Certified Mail receipt regarding the Notice of Hearing issued to Dr. Rizvi, signed by Dorothy Fortin on 1/23/19.
12. National Practitioner Data Bank report dated 2/5/19, regarding Dr. Rizvi.

Hearing Counsel called Penny Taylor, administrator for the Board, and Allison Vachon, investigator with the Department of Justice, as witnesses. Dr. Rizvi testified himself, and also called Mr. Daniel Richard to testify on his behalf. The testimony of the four witnesses is discussed below.

## **DISCUSSION**

Penny Taylor testified, explaining that she is the administrator for the Board of Medicine and has been in that position for 16 years. In that role, Ms. Taylor oversees both the licensing and the investigative units for the Board. Ms. Taylor testified consistent with the information contained in the Amended Notice of Hearing.

Ms. Taylor testified that Dr. Rizvi was first issued a license on November 6, 2013, and his license, at the time of the hearing, was set to expire June 30, 2019. See Ex. 1. She explained that physicians must renew their license every two years, so Dr. Rizvi had renewed his license in 2015 and again in 2017.

Ms. Taylor testified that she first became aware of a potential issue with Dr. Rizvi's license on October 9, 2017. She explained that her assistant, Sharon Canney, had come into her office that day to tell her Dr. Rizvi was on the phone and was upset because he had been denied compact licensure. Ms. Taylor explained that when a physician applies for compact licensure, they apply through a certain state, and Dr. Rizvi was applying through New Hampshire. However, Ms. Taylor explained that one of the rules of compact licensure is that the physician applying cannot have had discipline in any other state, and Dr. Rizvi did. Based on this, Ms. Canney had told Dr. Rizvi that he was not eligible for compact licensure, and he became very upset. Ms. Canney then asked Ms. Taylor, her supervisor, if she could speak with him herself.

Ms. Taylor testified that she and Ms. Canney then went into Ms. Canney's office and put Dr. Rizvi on speakerphone. She testified that she tried to explain to him about compact licensing and why he was not eligible. Dr. Rizvi, however, was very angry and starting using profanity,

continually talking over her. Ms. Taylor testified that she warned him that if he continued to speak that way she would hang up; she ended up hanging up when Dr. Rizvi persisted in using profanity.

Ms. Taylor explained that after the call ended, she reviewed the National Practitioner's Data Bank ("NPBD") entry for Dr. Rizvi and noticed that Ohio had revoked Dr. Rizvi's license. She learned that Ohio had revoked his license:

Based on the November 2014 Maine Board order denying [his] application for licensure to practice medicine, and based on the finding that [he] made a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure any certificate to practice or certificate of registration issued by the [Ohio] Board. Order effective June 9, 2016. (Journal Entry: No hearing requested).

See Ex. 3 at 5. The basis for the action was listed as "fraud, deceit, or material omission in obtaining license or credentials." Id. Ms. Taylor testified that the NPDB noted that Dr. Rizvi had not submitted his own statement to the Ohio Board contesting the action. Id.

Ms. Taylor also testified as to disciplinary measures taken against Dr. Rizvi by the Maine Board of Medicine that appeared in the NPDB that she had reviewed. See Ex. 3 at 7–10. The NPDB reflected that the Maine Board of Medicine denied Dr. Rizvi's application for licensure, effective November 10, 2014. The basis for the action was listed as "fraud-undefined" and other unprofessional conduct, which was listed as "raising his voice and using profanity towards board staff." Id. at 8. The reason for taking action was listed as:

Following an adjudicatory hearing, the Board found that Dr. Rizvi engaged in fraud or deceit in attempting to obtain a Maine medical license by misrepresenting information on his application for licensure, and by failing to update his application for licensure by failing to immediately notify the Board that he had been arrested and indicted for criminal conduct. In addition, the Board found that Dr. Rizvi engaged in unprofessional conduct by raising his voice and using profanity during a telephone conversation with the Board's Executive Director.

Id. at 8. Dr. Rizvi submitted a statement to respond to the Maine Board's action. See id. at 9. His response was reviewed by the Secretary of the U.S. Department of Health and Human Services, who affirmed that the report was properly filed with the NPDB. See id. at 9–10.

Ms. Taylor testified that after reviewing the information from the NPDB, she spoke with the Board's investigator, Dori Lefebvre. Ms. Taylor and Ms. Lefebvre then together reviewed Dr. Rizvi's prior renewal application, dated June 27, 2017 ("the 2017 renewal application"). See Ex. 2.

Ms. Taylor testified to several potential issues they found on Dr. Rizvi's 2017 renewal application. First, Ms. Taylor noted that where the application asked for a home address, the application specifically states "PO Boxes are not acceptable without a street address provided." However, Dr. Rizvi did not provide a valid street address and only provided a PO Box. See Ex. 2 at 1. Second, the application requested Dr. Rizvi list where he had admitting privileges. He wrote "Metro Manchester Treatment Center, Manchester, NH," and she further testified that the Board's records indicated that he previously had answered that he had admitting privileges at Frisbie Memorial. See id. Last, when the application asked if he had received any discipline from any other licensing board in the last 24 months, he checked both "Yes" and "No" and wrote underneath "2013 ME denial old with reciprocal action in Ohio. Dispute resolution in process." Id. at 2. He did not indicate that his Ohio license had been revoked.

After reviewing Dr. Rizvi's 2017 application with her, Ms. Taylor provided Ms. Lefebvre with a memorandum which detailed the conversation she and Ms. Canney had had with Dr. Rizvi and also reflects the findings made by Ms. Taylor and Ms. Lefebvre. See Ex. 4.

Ms. Taylor testified that the matter was then referred to the Medical Review Subcommittee ("MRSC") for investigation. The MRSC kept a case log of important events in the case. See Ex. 5. Ms. Taylor testified as to two events logged as taking place on April 3, 2018. The first event was memorialized as an entry on the MRSC case log by Ms. Canney, who wrote:

When I came into work, Dr. Rizvi's written response was on my desk inside a PDR mailing. I then was told by Paula Domenici-Godlove of the Dental Board that Dr. Rizvi was extremely rude to her last night when he dropped off his written response.

This had to be after 4:00 p.m. There was a Dental Board meeting last night and she was letting in the Board members. He was insisting on speaking with someone at the Board of Medicine and was persistent even though Ms. Domenici-Godlove insisted there was no one left in the office. He wanted her to stamp in the written response. She told him that she did not have a stamp but she did write received 4-2-18 on the front of the PDR mailing. She had to threaten to call the police to get him to leave. I related this information to Penny Taylor who was going to contact Dr. Rizvi.

Id. at 1 (emphases in original). Second, Ms. Taylor testified that as a result of the above, she called Dr. Rizvi the next day and told him his actions were unacceptable. She explained to him that Ms. Domenici-Godlove had told her that Dr. Rizvi would not leave and refused to let her close the door, which left her feeling intimidated and nervous. Ms. Taylor stated that Dr. Rizvi denied that this occurred and said he simply asked Ms. Domenici-Godlove to stamp his response in. Ms. Taylor memorialized this conversation with Dr. Rizvi as an entry on the MRSC case log. See id.

Ms. Taylor also testified that Dr. Rizvi had had two letters of concern previously issued to him by the Board. First, the Board issued a January 7, 2016 letter of concern because it was concerned that Dr. Rizvi provided a misleading and dishonest answer on his 2013 application for licensure. See Ex. 6. Second, the Board issued a second letter of concern on July 10, 2017, because Dr. Rizvi had failed to provide an updated mailing address to the Board. See Ex. 7.

Ms. Taylor further testified that when she sent the Notice of Hearing for the hearing originally scheduled for March 6, 2019, she sent it to the P.O. Box on record with the Board, because Dr. Rizvi had never provided an updated address or filled out a change of place of employment form. She sent that notice out on January 4, 2019, but it was returned as undelivered on January 9, 2019. See Ex. 9. Ms. Taylor explained that she sent the Notice of Hearing out again, this time by both certified and regular mail to the P.O. Box on record, and again, both were returned with the statement “unable to forward, box closed, no order.” See Ex. 10. Finally, Ms. Taylor sent the notice out again on January 23, 2019, to the business address of

record – Metro Manchester CMG, 128 Maple Street, Manchester 03103. See Ex. 11. Finally, Ms. Taylor testified that at some point she was notified that Dr. Rizvi may now have had an address in Pennsylvania, so she sent the Amended Notice of Hearing to the Pennsylvania address, one other address of record, and his email of record.

Hearing Counsel next called Allison Vachon as a witness. Ms. Vachon explained that she is an investigator for the New Hampshire Attorney General’s Office and helped investigate the present matter. Ms. Vachon noted that Dr. Rizvi failed to provide a street address on his 2017 renewal application form, as required, so she was asked to locate a valid home and mailing address for him. During this investigation, she learned that the P.O. Box in Boscawen that had been listed on Dr. Rizvi’s 2017 renewal application had been closed since October 11, 2018. Ms. Vachon explained that she called Dr. Rizvi at his urgent care practice in Pennsylvania on March 5, 2019 and traded messages with him, eventually speaking with him on March 6, 2019. She told him he had a hearing scheduled later that day in New Hampshire and asked if he had received notification of the hearing. Dr. Rizvi said he had no idea about the hearing. Ms. Vachon stated that she then told him the Board had no information regarding his current mailing address or where he was living, and Dr. Rizvi provided her with both his practice address and a P.O. Box in Pennsylvania; he did not provide a street address.

Ms. Vachon testified that Dr. Rizvi called her back on March 22, 2019 to let her know he had received the Amended Notice of Hearing. He described it as “soul crushing” and “Mickey Mouse” and “said that everything in it was meant to hurt him [and that] it’s written by women and people who have participated in hurting him.”

Finally, Ms. Vachon explained that she investigated whether Dr. Rizvi had the admitting privileges that he had claimed on his 2017 renewal application. See Ex. 2. Regarding Dr. Rizvi’s claim that he had admitting privileges at Frisbie Memorial Hospital, Ms. Vachon testified that she spoke with a Ms. Kate O’Connor, the credentialing coordinator at that hospital, who



indicated that Dr. Rizvi never had admitting privileges at Frisbie Memorial. Ms. Vachon then asked if a practice or entity that Dr. Rizvi may have been working for could have had admitting privileges for the whole practice. Ms. O'Connor answered no, that an entity cannot receive admitting privileges, they are only given to an actual provider or doctor. Regarding Dr. Rizvi's claim that he had admitting privileges at Metro Manchester CMG, Ms. Vachon testified that she learned that entity is an outpatient drug treatment center and thus would not require admitting privileges.

Dr. Rizvi next testified on his own behalf. Regarding his admitting privileges to Frisbie Memorial, Dr. Rizvi explained that at the time, he had been employed by Pinewood Medical Group. He explained that he had applied for admitting privileges through them, and the company said they would forward his application to Frisbie Memorial, but apparently never did. He further explained that at some later point he again applied for admitting privileges to Frisbie Memorial through his then employer, Dr. Terry Bennett, but again the application was apparently never received by Frisbie Memorial. On cross examination, Dr. Rizvi admitted that every other time he had applied for admitting privileges in his professional life, he applied directly to the hospital, not through an employer. He also admitted that he had never received notice that he had admitting privileges at Frisbie Memorial, but was told by his then employer that he had "courtesy privileges" there. He thus said that when he filled out the 2017 renewal application, he thought he had privileges at Frisbie Memorial, so he answered truthfully.

Dr. Rizvi also testified regarding the issue that he had not provided an up-to-date mailing address to the Board. He explained that he tried many times to correspond to the Board office directly, and in person, so the Board would realize he is a conscientious and diligent doctor.

Dr. Rizvi also disputed Ms. Taylor's account that he was rude to both her and Ms. Domenici-Godlove. Dr. Rizvi stated that he did have a phone conversation on which Ms. Taylor told him his actions were "uncalled for," but he thought his actions were justified:

So I resent the fact that when a State employee or a State official with a lot of responsibility does something wrong, they could not be – they could not – that you cannot honestly tell them that they have made a mistake, and that they can go back and use their supreme power to tell us that these actions are uncalled for. So if we are victimized by some action of one of your State employees, you should allow, in good conscience, to allow us to object to them, and not be persecuted because we've objected to your employees. These are employees, not imperial powers; okay.

Transcript at 136. Dr. Rizvi also disputed the account that he was rude to Ms. Domenici-Godlove. He testified that he had arrived at the office ten minutes before closing to hand deliver his response to the investigation, and Ms. Domenici-Godlove opened the door for him. According to Dr. Rizvi, he simply asked if she could deliver the documents to Ms. Lefebvre and stamp them in as delivered that day, and she said yes. He said he was standing at the door handing her the documents, which must have been misconstrued that he was blocking her from exiting. When asked if he remembered her threatening to call the police, Dr. Rizvi said he did not recall that.

Dr. Rizvi also explained that his prior disciplinary record, reflected in his NPDB record, all began with an incorrect action taken against him in Ohio. He explained that he was in the process of appealing that, and he blamed the Ohio board's employees for several of the issues. He then explained that in his view, the Utah and Maine actions were derivative actions, all based on the incorrect action against him taken by the Ohio board. Dr. Rizvi also explained that he believed all the state actions against him should be considered "board actions" and not "disciplinary actions," and thus should not have been reported to the NPDB. He explained that he believed a disciplinary action is "when [a doctor] has done something truly wrong" such as neglecting a patient, whereas a board action is "usually an administrative action with really no consequence to the public."

Dr. Rizvi then called Dan Richard as his witness. Mr. Richard explained that in his view, "the administrative state is out of control." Mr. Richard further argued that some of the

testimony of the hearing should not have been allowed because it was hearsay, which he proffered was unconstitutional.

### **FINDINGS OF FACT AND RULINGS OF LAW**

The first and second issue before the panel of the Board is whether Dr. Rizvi engaged in unprofessional conduct by failing to timely notify the Board that his Ohio license to practice medicine had been permanently revoked by the Ohio board on July 9, 2016 and whether he failed to report the revocation on the 2017 renewal application. The testimony above, and the exhibits admitted at the hearing, establish that the Ohio board of medicine revoked Dr. Rizvi's license on June 9, 2016. See, e.g. Ex. 3 at 5. Despite this, when Dr. Rizvi renewed his license in 2017 and was asked if he had had any disciplinary action taken against him in the last 24 months, he simply wrote "2013 Maine denial with reciprocal in Ohio. Dispute resolution in process." Ex. 2 at 2. He did not disclose that the Ohio Board of Medicine had revoked his license. Though Dr. Rizvi argued that the Ohio action constituted a "board action" and not a "disciplinary action" and he was thus not obligated to report it, the Board does not recognize such a distinction and is not aware of any other board or agency that licenses doctors that does. The Board panel therefore finds that Dr. Rizvi violated RSA 329:16-f, II, RSA 329:17, VI(a) and (i), Med 401.03(b)(8), Med 403.03, and Med 501.02(b) by failing to timely notify the Board of the Ohio disciplinary action.

The next issue before the panel is whether Dr. Rizvi engaged in professional misconduct by falsely reporting that he had admitting privileges at Frisbie Memorial Hospital in Rochester, New Hampshire on his 2017 renewal application when he had no such privileges. Again, the testimony and exhibits offered at the hearing show that Dr. Rizvi listed on his 2017 renewal application that he had admitting privileges at Frisbie Memorial. See Ex. 2 at 1. When Ms. Vachon called Frisbie Memorial to determine if this was true, Ms. O'Connor told her Dr. Rizvi never had admitting privileges at the hospital. Dr. Rizvi did explain that at the time he filled out

the 2017 renewal application, he believed he had such privileges, because twice he had applied for admitting privileges through his employers. However, Dr. Rizvi admitted that he had never received notice that he had admitting privileges at Frisbie Memorial, and he also admitted that every other time he had applied for admitting privileges, he applied directly to the hospital and not through an employer. The Board panel finds that Dr. Rizvi violated RSA 329:17, VI(a) and (i) and Med 401.03(b)(6) by falsely reporting admitting privileges at Frisbie Memorial Hospital.

Next, the panel must determine whether Dr. Rizvi engaged in professional misconduct by repeatedly failing to provide the Board with his complete and correct home and work address on his 2017 renewal application and during subsequent encounters with the Board's representatives. Dr. Rizvi did not contest that he failed to provide an up-to-date home and work address on his 2017 renewal form. He only explained that he had attempted to be diligent and conscientious by hand delivering documents to the Board office. While the Board appreciates that, it does not absolve Dr. Rizvi of providing up-to-date addresses to the Board so the Board can contact him. While Dr. Rizvi downplayed this error as an administrative error and thus a mere "board action," Dr. Rizvi failed to receive notice of this hearing as originally scheduled for March 6, 2019 precisely because he failed to provide the Board an updated address. The Board panel therefore determines that Dr. Rizvi violated RSA 329:17, VI(a) and (i), and Med 401.03(b)(2), by failing to provide the Board with his updated home and work address.

The panel must next determine whether Dr. Rizvi engaged in professional misconduct by raising his voice and using threatening language during the phone conversation with Ms. Taylor on October 9, 2017. Ms. Taylor testified that Dr. Rizvi became very angry on the phone call with her, and continually used profanity. Dr. Rizvi did not dispute that this occurred and said he should be allowed to "object" to state employees' actions. The Board panel determines that Dr. Rizvi violated RSA 329:17, VI(d) by raising his voice and using profanity during his October 9, 2017 phone call with Ms. Taylor.

Next, the panel must determine whether Dr. Rizvi engaged in professional misconduct when he became disrespectful and refused to leave the building during the interaction with Ms. Domenici-Godlove, licensing clerk for the Board of Dental Examiners. Ms. Taylor testified that Ms. Domenici-Godlove had told her that this interaction with Dr. Rizvi had left her feeling intimidated and nervous, and that she had to threaten to call the police before Dr. Rizvi would leave. Additionally, the MRSC case log entry from Ms. Canney shows that Ms. Domenici-Godlove felt that Dr. Rizvi was extremely rude to her when he dropped paperwork off and that she had to threaten to call the police before he would leave. See Ex. 5 at 1. Dr. Rizvi disputed this characterization, stating that he arrived at the Board office ten minutes before closing, had an insignificant interaction with Ms. Domenici-Godlove, and in no way was rude to her. However, on weighing the evidence presented at the hearing, the Board panel determines that Dr. Rizvi did violate RSA 329:17, VI(d) by being disrespectful and refusing to leave during his interaction with Ms. Domenici-Godlove.

Last, the Board panel must determine whether Dr. Rizvi engaged in repeated acts of dishonest and unprofessional conduct during his interactions with the Board from the time he began applying for his license in 2013 to present. The Board notes that in addition to the failure to report his disciplinary history and his false reporting of admitting privileges stated above, Dr. Rizvi previously received two letters of concern from the Board. See Exs. 6 and 7. One of the two letters of concern dealt with Dr. Rizvi providing a misleading and dishonest answer on his 2013 application for licensure – the same conduct that he has been determined to have undertaken here. The Board therefore determines that Dr. Rizvi violated RSA 329:17, VI(i) by engaging in repeated acts of dishonest and unprofessional conduct in his interactions with the Board from the time he was licensed in 2013 to present.

**DISCIPLINARY ACTION**

Based on the Findings of Fact and Rulings of Law above, the Board reprimands Dr. Rizvi under RSA 329:17, VII(a). Additionally, the Board orders Dr. Rizvi to take fifteen (15) hours of continuing education under RSA 329:17, VII(c) in the area of Ethics and Professionalism. Finally, the Board imposes a \$2,000.00 fine under RSA 329:17, VII(g).

**THEREFORE, IT IS ORDERED** that Dr. Rizvi is **REPRIMANDED**;

**IT IS FURTHER ORDERED** that within 6 months of the date of this Order, Dr. Rizvi submit to the Board proof of having taken fifteen (15) hours of continuing education in the area of Ethics and Professionalism;

**IT IS FURTHER ORDERED** that Dr. Rizvi shall pay an administrative fine in the amount of \$2,000.00. Dr. Rizvi shall pay the fine in full within sixty (60) 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, NH 03301;

**IT IS FURTHER ORDERED** that this Final Decision and Order shall become a permanent part of Dr. Rizvi's file, which is maintained by the Board as a public document;

**IT IS FURTHER ORDERED** that this Final Decision and Order shall take effect as an Order of the Board on the date an authorized representative of the Board signs it.

BY ORDER OF THE BOARD

Date: \_\_\_\_\_

5/14/20



Daniel P. Potenza, M.D., President and  
Authorized Representative of the  
New Hampshire Board of Medicine