

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

**In the Matter of:
Concetta Oteri-Ahmadpour, D.O.
License No.: 12549
(Adjudicatory/Disciplinary Proceeding)**

Docket #: 20-MED-0001

FINAL DECISION AND ORDER

Before the New Hampshire Board of Medicine (“Board”) is an adjudicatory/disciplinary proceeding in the matter of Concetta Oteri-Ahmadpour, D.O. (“Respondent” or “Dr. Oteri-Ahmadpour”) in Docket Number 20-MED-0001.

Background Information

The Board first granted a license to practice medicine in the State of New Hampshire to Dr. Oteri-Ahmadpour on December 1, 2004. Dr. Oteri-Ahmadpour holds license number 12549.

On February 22, 2018, Respondent entered into a Settlement Agreement with the Board to resolve misconduct allegations then pending before the Board. That Settlement Agreement was issued as a Final Order of the Board on March 20, 2018.

The Board received information indicating that Respondent had failed to comply with the terms of the March 20, 2018 Settlement Agreement of the Board by the following facts:

1. The Settlement Agreement ordered Respondent to undergo a clinical skills assessment with Affiliated Monitors Inc. (“AMI”), and, thereafter, to follow all recommendations made in the clinical assessment report including any additional education recommendations.
2. The Settlement Agreement also ordered Respondent to enter into a monitoring agreement with a Monitor approved by the Board for a period of twenty-four (24) months. The Settlement Agreement ordered Respondent to take any and all corrective actions reasonably necessary to correct any and all deficiencies identified in any review by the Monitor.
3. The most recent quarterly report submitted by Respondent’s Monitor, AMI - the Fourth Quarterly Monitoring Report dated December 9, 2019 - identifies several recommendations that Respondent has not addressed.
4. The Settlement Agreement also ordered Respondent to, “[n]ot later than thirty (30) days after Respondent’s receipt of the monitor’s report, . . . submit to the

board a detailed written report identifying the steps that have been taken, or are being taken, to correct the deficiencies cited in the Monitor's report, and the dates by which such corrective action will be completed.”

5. The Board did not receive from Respondent the required written report responding to AMI's December 9, 2019 Fourth Quarterly Monitoring Report.
6. In addition to these and other requirements, the Settlement Agreement assessed Respondent an administrative fine of ten thousand dollars (\$10,000.00) with seven thousand dollars (\$7,000.00) suspended on the condition that Respondent fully satisfy all other requirements set forth in the Settlement Agreement.
7. The Settlement Agreement included the term that any breach by Respondent of any terms or conditions therein shall constitute unprofessional conduct pursuant to RSA 329:17, VI (d), and a separate and sufficient basis for further disciplinary action by the Board.

On February 5, 2020, the Board voted to issue a Notice of Hearing and Order to Show Cause for violating her Settlement Agreement with the Board dated March 20, 2018. The purpose of the Show Cause hearing was for Respondent to show cause why she should not be subject to further disciplinary sanctions based on her failure to comply with the terms of her March 20, 2018 Settlement Agreement with the Board, specifically, (1) her failure to take any and all corrective actions necessary to correct any deficiencies identified in reviews by her Monitor, and (2) her failure to submit to the Board the required written report within 30 days of receipt of AMI's December 9, 2019 Fourth Quarterly Monitoring Report.

On February 7, 2020, the Board issued a Notice of Hearing and Order to Show Cause scheduling the hearing to take place on Wednesday, April 1, 2020 at 1:00 P.M. Due to the current State of Emergency, the Board continued the hearing to Wednesday, July 1, 2020 at 1:30 P.M.

On May 15, 2020, the Board issued an Amended Notice of Hearing and Order to Show Cause scheduling the hearing for July 1, 2020 at 1:00 P.M. electronically via real-time, two-way video conferencing through the Office of Professional Licensure and Certification (“OPLC”) ZOOM account.

The hearing commenced on July 1, 2020 beginning at approximately 1:04 P.M. The Board members present included:

Daniel P. Potenza M.D., President

David C. Conway, M.D., Vice President

Emily R. Baker, M.D.
John H. Wheeler, D.O.
Michael Barr, M.D.
Jonathan Ballard, M.D., M.P.H.
Gilbert J. Fanciullo, M.D.
Susan M. Finerty, P.A.
Donald L. LeBrun, Public Member
Linda M. Tatarczuch, Public Member

Daniel P. Potenza, M.D., Board President, served as presiding officer. Dr. Oteri-Ahmadpour appeared and represented herself.

The presiding officer asked Dr. Oteri-Ahmadpour if she had any other documents she wanted to offer up, other than the Notice of Hearing, which the Board members already had a copy of. Dr. Oteri-Ahmadpour indicated that the only other document she could possibly consider offering up would be the latest report from AMI, which was just given to her the day before the hearing. The presiding officer indicated to Dr. Oteri-Ahmadpour that she could use that document as part of her sworn testimony. No exhibits were submitted.

Discussion and Rulings

The presiding officer opened the hearing at approximately 1:04 p.m. on July 1, 2020. Dr. Oteri-Ahmadpour testified on her own behalf. Dr. Oteri-Ahmadpour testified that based on her last meeting with Dr. Kwan and her last report from AMI, she has made tremendous strides. Dr. Oteri-Ahmadpour went on to read excerpts from the last AMI report, which indicated she continues to make improvements by more regularly documenting in detail pertinent medical information. The report went on to say that “Dr. Oteri-Ahmadpour’s care appeared well thought through overall and was supported by complete medical history, reviews of the presenting complaints, physical exams, treatment plans, and documented follow-up.”

Dr. Oteri-Ahmadpour admitted that she missed the fourth quarterly evaluation response as she and her family were all sick and by the time she had recovered from her illness and then catching up with patients, the deadline had passed. She indicated it completely slipped her mind until she received the Notice of Hearing. The presiding officer indicated to Dr. Oteri-Ahmadpour that it would make sense to proceed with a detailed report in response to AMI’s fourth quarterly report. Dr. Oteri-Ahmadpour indicated she would submit the report and detail which of AMI’s recommendations she has already fulfilled.

The presiding officer then opened up the hearing for any comments or discussion by the Board members. Dr. Barr inquired about patients Dr. Oteri-Ahmadpour is treating with hypertension and diabetes and whether she has improved in those areas. Dr. Oteri-Ahmadpour indicated that AMI has not chosen a single one of her diabetic or hypertensive patients even though they are clearly labeled in her patient logs. She went on to say if AMI does not choose those patients, she has no way to actually show them that she has improved her treatment of hypertension or diabetes with newer drugs. She talked about prescribing to patients in an underserved population who are uninsured. She often utilizes, for instance, the Walmart \$4 generic list. She explained that while those drugs are not necessarily the newest drugs out there, that is what she has to work with her patient population. She also indicated a significant portion of her continuing medical education submitted to the NH Medical Society on the first of June related to diabetes and hypertension.

Ms. Tatarczuch inquired about Dr. Oteri-Ahmadpour's chronic pain patients. Dr. Oteri-Ahmadpour indicated she does not prescribe any opiates whatsoever and stated there are a lot of alternatives for chronic pain. If the patient is on opiates, she refers them to a pain management specialist. She discusses with these patients using alternatives like gabapentin, muscle relaxants, NSAIDs, and also discusses complementary and alternative options for chronic pain such as anti-inflammatory herbs like ginger, turmeric and meditation mindfulness.

Dr. Baker inquired about vaccinations and how Dr. Oteri-Ahmadpour is keeping her patients up to date and informed regarding immunization schedules. Dr. Oteri-Ahmadpour indicated she does discuss vaccines at all the well child visits. She indicated that probably 95 percent of her pediatric patients have a religious exemption on file. She indicated she refers her pediatric patients to the Manchester Department of Health to get vaccinated. She supplies them with the CDC schedule and the catch-up schedule, if needed, and gives them a printout of the website from the Manchester Department of Health with the immunization clinic schedule and their phone number.

In closing, Dr. Oteri-Ahmadpour indicated that she has been working really hard to make sure her medical records reflect the care she is giving her patients, and she will continue to keep trying to do that.

The presiding officer closed the hearing at 1:33 p.m.

Findings of Fact and Rulings of Law

The issue before the Board is whether Dr. Oteri-Ahmadpour should be subject to further disciplinary sanctions based on her failure to comply with the terms of her March 20, 2018 Settlement Agreement with the Board, specifically, (1) her failure to take any and all corrective actions necessary to correct any deficiencies identified in reviews by her Monitor, and (2) her failure to submit to the Board the required written report within 30 days of receipt of AMI's December 9, 2019 Fourth Quarterly Monitoring Report. Respondent must demonstrate why, in light of the allegations detailed in paragraph (3) of the Amended Notice of Hearing and Order to Show Cause, the Board should not impose further disciplinary sanctions on her license.

After hearing testimony from Dr. Oteri-Ahmadpour and reviewing the conditions set forth in the previous board order, the Board found that she had violated both the timeliness of the reporting requirements, in terms of the 4th Quarterly Monitoring Report not being submitted by the agreed upon deadline, as well as not meeting all the criteria set forth in the recommendations of her original clinical assessment performed by Affiliated Monitors. Subsequent information from the 4th Quarterly Monitoring Report has indicated clinical progress in some of the areas of concern.

The Board voted to issue a **REPRIMAND** and extend the monitoring period by 24 months. In addition, the Board remains concerned about compliance with childhood immunizations given the critical impact on personal and community health. Given this, the following needs to be integrated into her current processes and documentation, and reviewed by her monitor: clear documentation of counseling of each family of the benefits of immunization for childhood health, the absence of evidence for harm, benefits to the community, and the recommended schedule. If a family has been given an exemption, this needs to be documented in the medical record.

THEREFORE IT IS ORDERED that Dr. Oteri-Ahmadpour is REPRIMANDED; and **IT IS FURTHER ORDERED** that Dr. Oteri-Ahmadpour's monitoring period is extended by 24 months from the date of this Final Decision and Order; and

IT IS FURTHER ORDERED that Dr. Oteri-Ahmadpour shall have the following integrated into her current processes and documentation and reviewed by her monitor: clear documentation of counseling of each family of the benefits of immunization for childhood health, the absence of evidence for harm, benefits to the community, and the recommended schedule. If a family has been given an exemption, that needs to be documented in the medical record.

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

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*

Dated: 8/7/2020



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

*Board Member, Nina Gardner, recused.