

**STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL
LICENSURE AND CERTIFICATION**

BOARD OF MEDICINE

**In Re: Pierre Angier, D.O.
Lic. #16812**

Docket No.: 2022-MED-010

**ORDER OF EMERGENCY
SUSPENSION - 05/04/22**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On 04/08/22, the Board of Medicine ("Board"), through the Office of Professional Licensure and Certification, Division of Enforcement ("Enforcement"), received a Report of Non-Compliance from Scott Berry, Executive Director of Mascoma Community Health Center ("MCHC") in Canaan, New Hampshire. The complaint alleged MCHC had terminated Pierre Angier, DO ("Licensee") after three female MCHC staff members had separately informed Mr. Berry that the Licensee had, on separate occasions, made comments to them that were sexual in nature. Mr. Berry also reported that after the Licensee was terminated from employment, a female patient had said that the Licensee had inappropriately touched her on one occasion and made sexually inappropriate comments to her during office visits. Enforcement conducted an expedited investigation into these allegations, as well as previous allegations that the Licensee had made sexually inappropriate comments to a juvenile female patient while working at the Coos County Family Health Services in 2021. The Board considered this matter on an ex parte emergency basis during its 05/04/22 meeting, pursuant to RSA 329:18-b and N.H. Code Admin. R., Title Med 409.01 ("Rules"). This Order of Emergency Suspension follows.

In cases involving imminent danger to life or health, the board may order suspension of a license pending hearing for a period of no more than 120 days...

RSA 329:18-b.

On 05/04/22, Nikolas Frye, Esq., acted as the Board's presiding officer under Rule 201.02(q).

II. EVIDENCE PRESENTED AND FINDINGS OF FACT:

The Board was presented with the following evidence: 1) a 02/28/22 complaint against the Licensee; 2) a 04/20/22 Response to the 02/28/22 complaint; 3) a 04/22/22 Confidential Report of Investigation from Victoria Davies to the Board with accompanying documentation;¹ 4) an undated, unfinished MRSC Report of Investigation; 5) a 05/01/22 Letter from Rebecca J. Ekholm to the Board; 6) a 05/03/22 Memorandum from Victoria Davies, Fraud Investigator at OPLC, to the Board; 7) a 05/03/22 letter from the Licensee to the Board; 8) another 05/03/22 letter from the Licensee to the Board; 9) a 05/03/22 Letter from Shanna Large-Reusch, LCMHC, MLADC to the Board; and 10) sworn testimony from Investigator Victoria Davies. A review of the evidence presented, and the reasonable inferences taken therefrom, allows the Board to find as follows below.

The Licensee is actively licensed as a physician in New Hampshire, holding license number #16812. On 10/26/21, OPLC Investigator Michael Porter received a telephone call from Detective Eric Benjamin of the Berlin Police Department. The detective informed Investigator Porter that a juvenile's mother had reported to him on 07/17/21 that the Licensee had made sexually inappropriate comments to her 17-year-old daughter during an office visit at Coos County Family Health ("CCFH"). Among the comments reportedly made by the Licensee to the juvenile were the following questions: 1) are you

¹ The accompanying documentation includes: 1) an 11/10/21 Complaint relative to the Licensee and the juvenile patient; 2) Berlin Police Department Incident Report pertaining to the 07/17/21 incident involving the Licensee and juvenile patient; 3) 10/26/21 written record of MCHC's telephone interview with the juvenile's mother; 4) Certificate of Liability Insurance for CCFHS; 06/10/21 Letter from Weatherby Health Care to CCFHS RE: Confirmation of Assignment for Dr. Pierre Angier for the specialty of Family Practice; 5) Licensee's 01/21/22 Response to the 11/10/21 complaint; 6) 01/31/22 Confidential Memorandum to the Medical Review Subcommittee relating to the 07/17/21 incident involving the juvenile patient and licensee; 7) 04/08/22 complaint filed by Scott Berry against Licensee; 8) Saunders Lumbar Traction Devices User's Guide; 9) Online printout showing Licensee's book: The Joy of Comfortable Sex: A Guide for Couples with Back or Neck Pain; 10) 01/22/21 Letter from the Licensee to the Board; 11) 11/08/21 Letter from the Licensee to the Board; 12) 04/05/22 Letter from the Licensee to the Board; and 13) License Verification for the Licensee from State of Florida.

sexually active; 2) is your boyfriend good looking; 3) do you enjoy sex with your boyfriend; and 4) do you have orgasms. Other comments that the Licensee allegedly made to the juvenile patient were that she was a good looking lady, and that her boyfriend must have been excited for her to go home so that they could make love. The Detective also relayed to Investigator Porter that the mother had said her daughter became so uncomfortable during the appointment with Licensee that she left the office and contacted her mother via telephone. The mother reported the Licensee's conduct to the Berlin Police Department the same day. After investigating the matter, the Detective ultimately called in a complaint to Investigator Porter on 10/26/21.²

OPLC Investigator Brianna Miller later corroborated the substance of the mother's complaint to the Berlin Police Department by reaching out to CCFH on 11/01/21. CCFH provided an internal investigative report conducted by Dr. Bonnie De Vries, its Chief Medical Officer. As part of the report, Dr. De Vries had interviewed the mother regarding the allegations.³ The interview with the mother corroborates the details of the alleged comments made by the Licensee as reported to the Berlin Police Department. Additionally, the interview revealed the Licensee had also discussed breasts and penis sizes with the juvenile and confirmed that the juvenile felt uncomfortable after her appointment with Licensee.

Investigator Miller also obtained through the Licensee's attorney a 01/24/22 written response from the Licensee regarding the 07/17/21 allegations. The Licensee admitted to reviewing sexual history with the patient, due to her presenting with symptoms of dysuria and abdominal pain. He denied making any inappropriate or unprofessional comments. He claimed he asked the juvenile about whether she could have an orgasm because she was taking a medication known for causing sexual dysfunction. He stated he

² The detective called in the complaint after confirming with CCFH that the juvenile patient had the 07/17/21 appointment with the Licensee.

³ The report indicates that the juvenile patient would not want to speak directly to Dr. De Vries. Hence why the mother was interviewed.

routinely asks patients open ended questions about their sex life, such as “is your sex enjoyable for you?” He explained he compliments all patients he sees, and agreed it was possible he told the juvenile patient she was pretty, beautiful, or attractive. The Licensee concluded his written statement by determining he would be more careful about his comments and questions in the future, but indicated he needed a sexual history of the patient based upon the presenting symptoms. Based upon the totality of the evidence available at that time, the matter was referred to the Medical Review Subcommittee for further investigation.

On 04/08/22 Enforcement received additional information pertaining to the Licensee in a Report of Non-Compliance from Scott Berry, Executive Director of MCHC. Mr. Berry alleged that MHC had terminated Pierre Angier, DO (“Licensee”) on 04/01/22 because three female MCHC staff members had separately informed him on 03/30/22 that the Licensee had, on separate occasions, made comments to them that were sexual in nature. Mr. Berry also reported that after the Licensee was terminated, a female patient of MCHC had alleged to him that the Licensee had inappropriately touched her during an 01/31/22 office visit and made comments to her that were sexual in nature at 01/31/22 and 02/28/22 office visits.

On 04/22/22, OPLC Investigators Porter and Davies followed up on this complaint by separately interviewing Scott Berry and two of the three staff members who complained about the Licensee’s conduct via Zoom.⁴ During his interview, Mr. Berry confirmed that three female staff members had separately approached him on 03/30/22 about the Licensee making sexual comments to them that made each of them uncomfortable. He also identified who those staff members were and corroborated that MCHC terminated the Licensee based upon the reports and a meeting with the Board of Directors for MCHC. Lastly, Mr. Berry confirmed that a MCHC patient had contacted him with concerns about the Licensee on or about 04/05/22. The patient had explained to Mr. Berry that she saw the Licensee for spinal manipulation on

⁴ The Investigators were unable to interview the third staff member because she was on a scheduled vacation.

01/31/22 and when her shirt inadvertently moved up her torso, exposing her belly ring, the Licensee flicked the belly button ring and stated, “that’s cute.” According to Mr. Berry, the patient then explained that the Licensee followed up his comment by asking her if she had any single sisters who “... must be cute too.” The patient indicated there was no chaperone in the room during this interaction with the Licensee.⁵

The first MCHC staff member Investigator Davies interviewed on 04/22/22 was a Nurse Practitioner, who described the comments that Licensee had made to her that Dr. Berry had characterized as sexual. The staff member explained that on or about 03/23/22, the Licensee began randomly speaking to her and a student Nurse Practitioner at MCHC about how sex work is legalized in the Dominican Republic. The Nurse Practitioner then reported that the Licensee called the student beautiful and asked if she would be offended because he had gotten in trouble for making such statements in the past. The Nurse Practitioner then provided Investigator Davies with multiple incidents in which the Licensee provided her with unsolicited sex-related advice in the past. In one instance, he recommended she tie herself to a bed because her husband would love it. In another, the Licensee suggested the Nurse Practitioner had been struggling with having an orgasm in response to her telling work colleagues she was having difficulty sleeping. The Nurse Practitioner additionally indicated that Licensee made most sexual comments to another staff member, JB, whom he had told looked like his ex-wife and addressed her by his ex-wife’s name. The Nurse Practitioner also informed Investigator Davies that JB had told her that during a spinal manipulation session the Licensee had conducted on JB, he asked her whether her neck pain was caused by JB “having crazy kinky sex.”

⁵ Mr. Berry also expressed concern that the resume that MCHC had received from the Licensee when it hired him shows the Licensee had been employed eight different times throughout 2021 and more than half of those positions were gained through a standard application process, not through Locum Tenens. Mr. Berry additionally explained he was not Executive Director of MCHC when the Licensee was hired.

The last staff member Investigator Davies interviewed on 04/22/22 was a Registered Nurse at MCHC.⁶ She recounted for Investigator Davies a day when she felt compelled to go to lunch with the Licensee because he had asked her, and she was his subordinate. She stated to Investigator Davies that she thought it was inappropriate because he was her superior. During lunch, he made a statement about women spreading their legs and then, when she offered to pay for lunch, he said once a woman pays for dinner it meant that the man must sleep with her. She stated other incidents have occurred, but she could not recall the specifics. She explained she had confronted him about his conduct, but he always replied: "I want a woman who can take a joke."

Inspector Davies investigation also yielded information that the Licensee had failed to timely notify the Board of when he changed positions in the past. On 01/22/21 the Licensee filed a change of address indicating he had left White Mountain Medical Clinic and would be spending the next few months in Florida. Nonetheless, the Board's file shows that he never reported he had gained employment with the Coos County Family Health Services; however, he did report his employment at MCHC and subsequent termination on 04/08/22.

Through OPLC Chief Prosecutor Attorney John Garrigan, Inspector Davies also provided the Board with documentation the Licensee had provided to OPLC. These include an 05/01/22 letter from Rebecca J. Ekholm, two 05/03/22 letters from the Licensee to the Board, and an 05/03/22 letter from Shanna Large-Reusch. The 05/01/22 letter is from the former Executive Director at MCHC and asserts that she hired the Licensee after vetting his background and reviewing references. She further explains various systems she had in place at MCHC to build trusts and relationships between her and employees.

⁶ She is not JB.

According to her letter, she received no complaints of a sexual nature from either staff or patients regarding Licensee.⁷ She also notes that the Licensee had an adversarial relationship with MCHC Board of Directors.

The two letters from the Licensee dated 05/03/22 respectively address the 04/08/22 allegations and what work the Licensee is currently doing. The letter addressing the allegations generally denies them, references Ms. Ekholm's letter, insinuates an improper termination by MCHC, asserts the conduct alleged by Mr. Berry does not constitute Licensee being an imminent danger to the life or health of the public, and explains where Licensee will be working in the future if he is not suspended. The other 05/03/22 letter provides more detail about Licensee's intended work plans if he is not suspended. He states he will be working at Green Mountain Research Center in Vermont, HALO Education Systems in Canaan, New Hampshire, Choices (which is run through Riverbend), and may attempt to establish a Men's Health Clinic in Laconia, New Hampshire. He explains that most of the work would be non-clinical, conducted via telehealth, or with limited in-person interactions with patients. The Board takes administrative notice of the fact that many of these positions involve either working directly with or in relation to substance use patients.

III. DISCUSSION AND FINDINGS OF FACTS / CONCLUSIONS OF LAW:

The Board finds there is a reasonable basis to suspend the Licensee's New Hampshire license on an emergency basis. There are sufficient facts to prove that the Licensee has 1) inappropriately touched a patient in a sexual manner and 2) inappropriately commented about and/or solicited conversation with patients and staff members about sexual topics and their sex lives.⁸ While the Licensee argues that he will not pose an imminent danger to life or health because he intends to work in a mostly non-clinical setting,

⁷ This appears to contradict a statement made by the Nurse Practitioner interviewed by Inspector Davies, who stated JB filed a complaint with the previous Executive Director that the Licensee had told her she looks like his ex-wife and only addressed her by his ex-wife's name.

⁸ Although the focus of the Board's inquiry in this order is on whether the Licensee licensed poses an imminent threat to life or health, such conduct, on its face, also appears to be a violation of RSA 329:17, VI (c), RSA 329:17, VI(d), RSA 329:17, VI(i) and/or RSA 329:17, VI(k).

the Board finds this position unpersuasive. He has previously failed to update the Board on his work information and could ultimately still work where he chooses if his license is not emergently suspended. Even if that were not the case, he also proposes multiple positions where he works (or will work) that serves a vulnerable segment of the population, regardless of his role at those facilities. The Board also finds unavailing the Licensee's apparent position that the Board should discredit Mr. Berry's report because of MCHC's adversarial relationship with the Licensee. The evidence presented to the Board shows Investigator Davies corroborated Mr. Berry's report with at least two of the staff members directly. Further, the complaint from the juvenile's mother is free from this alleged bias.

The evidence, as presented on its face, establishes the Licensee poses an imminent danger to life or health within the meaning of RSA 329:18-b. Starting as far back as 07/17/21, there is a timeline of complaints, occurring in multiple healthcare settings, and involving multiple work colleagues and patients of the Licensee, that he makes inappropriate sexual comments in a work setting. Within this backdrop the Board is also presented with evidence that a patient states that the Licensee touched her in an inappropriate manner and location while making comments that were sexual in nature.

IV. **CONCLUSION AND DECISION:**

Pursuant to RSA 541-A:30(III) and 329:18-b, the Board hereby orders the **immediate emergency suspension** of Pierre Angier's license as a practicing physician, pending a follow up emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 5/6/2022

_____/s/ Nikolas Frye, Esq._____
Hearings Examiner
Authorized Representative of the Board of
Medicine-
New Hampshire Office of
Professional Licensure & Certification
7 Eagle Square
Concord, NH 03301