

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

BOARD OF MEDICINE

**In Re: Randolph Lowry, M.D.
Lic. #EL08721**

Docket No.: 2022-MED-005

**ORDER OF EMERGENCY
SUSPENSION - 04/06/22**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On 04/01/22, the Board of Medicine (“Board”), through the Office of Professional Licensure and Certification Division of Enforcement (“OPLC Enforcement”) received a complaint from the New Hampshire Veterans Home in Tilton, New Hampshire (“Veterans Home”) reporting that it had terminated Randolph Lowry (“Licensee”) as an employee after learning he had been terminated from employment at Theora Medical, P.L.L.C. for having Tennessee medical license suspended for allegedly “being a serial sexual predator”. OPLC Enforcement investigative staff conducted an expedited investigation. An emergency meeting was held on the matter during the Board’s 04/06/22 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 04/06/22, Nikolas Frye, Esq., acted as presiding officer under Rule 201.02(q).

II. EVIDENCE PRESENTED AND CONDUCT OF HEARING:

The Board was presented with 1) a Confidential Memorandum from Michael Porter, Esq., Investigations Bureau Chief with OPLC Enforcement, dated 04/02/22; 2) a Confidential Memorandum from Victoria Davies, Fraud Investigator with the OPLC Enforcement (“Investigator Davies”), which included supporting documentation¹, and 3) sworn testimony from Investigator Davies.² A review of the evidence presented, and the reasonable inferences taken there from, allows the Board to find as follows below.

The Licensee is actively temporarily licensed in New Hampshire as a physician pursuant to RSA 310-A:1-f, with license number #0EL08721.³ On 04/01/22, OPLC received a telephone call from Kimberly MacKay, Commandant of the Veterans Home, reporting that Veterans Home had terminated Licensee from his position of Medical Director at its facility because allegedly his Tennessee medical license had been suspended due to concerns he was “a serial sexual predator”. OPLC referred the matter to Investigator Davies, who reached out to Ms. MacKay same day for a written complaint. Ms. MacKay supplied same shortly thereafter that day.

Ms. McKay’s written report provided a timeline of events that led to the discovery of Licensee’s suspension. The outline explains that the Licensee started as Medical Director of Veterans Home on 03/01/22. Between 03/01/22 and 03/17/22, Licensee made multiple onsite visits to the Veterans Home to tour the facility and conduct rounds. On 03/20/22 a nurse reached out to Licensee with a question via

¹ This included 1) an email from Veterans Home to Victoria Davies, dated 04/01/22; 2) emails between OPLC Licensing and Licensee dated 02/22/22 – 02/23/22; and 3) documentation from the Tennessee Board of Medical Examiners involving the Licensee (verification cover letter about Licensee’s license, dated 08/23/21, Order of Summary Suspension involving Licensee in case no. 2021015531, dated 03/16/22, email from Legal Assistant, Office of General Counsel Tennessee, to Victoria Davies, dated 04/04/22, Application for Order of Summary Action in case no. 2021015531, verification cover letter about Licensee’s license, dated 03/08/22, Affidavits of Marlana Bradford, Investigator, dated 03/10/22, Affidavit of G.V. dated 06/04/22, Affidavit of H.B., dated 06/04/22, Affidavit of A.W., email communication between Michael Porter, Esq. and Licensee concerning signing a Preliminary Agreement Not to Practice “PANP” and proposed PANP, dated 04/01/22.

² Ms. Davies swore to the contents of her Memorandum, her own testimony, as well as the offer of proof made by Attorney Michael Porter, Esq. as to facts to which she would have testified.

³ The Licensee was actively temporary licensed in the State of New Hampshire *before* his license was suspended in the State of Tennessee.

email, and Licensee responded that he was no longer employed as the Medical Director at the Veterans Home. On 03/21/22, after learning of that email from the Licensee, Veterans Home reached out to Theoria Medical, P.L.L.C (“Theoria”), which appears to be the company through which the Veterans Home contracted with Licensee. Theoria explained that Licensee was no longer employed with the company “due to an HR issue”, effective 03/18/22. Shortly thereafter, on 03/28/22, Ms. McKay received a telephone call from Ed Harries, Executive Director of the Tennessee Veterans Home in Murfreesboro, Tennessee. Mr. Harries explained to Ms. McKay that Licensee had worked at his facility for six months but was no longer working there because the Tennessee Board of Medical Examiners had suspended his license for “being a serial sexual predator”. Ms. McKay’s report additionally noted that, even though he had been terminated from the Veterans Home, it was her understanding he was also contracted to provide medical services to the Belknap County Nursing Home.

Investigator Davies followed up on the information provided by Ms. McKay by obtaining Licensee’s Order of Summary Suspension from the Tennessee Department of Commerce and Insurance website. The Order explains that while employed at buprenorphine treatment facility in Knoxville, Tennessee, he obtained unwanted sexual favors from patients in exchange for their treatment or continued prescriptions. Investigator Davies also contacted the Tennessee Office of General Counsel regarding the matter, and procured documentation pertaining to the investigation that led to Tennessee’s suspension of the Licensee’s license. Among the documents included were affidavits from three alleged victims of the Licensee’s conduct: G.V., H.B., and A.W. These affidavits support the findings in the Order of Summary Suspension.

G.V.’s Affidavit explains that beginning in 2018, Licensee rubbed the sides of G.V.’s thighs during an appointment, and during others kissed her neck and breast, stuck his hands down in her pants and rubbed her vaginal area, pulled his penis out and masturbated in front of her, and forced G.V. to perform

oral sex on him. G.V.'s affidavit explains that Licensee made it clear that if she did not do what he wanted or she told anyone, she would not get her prescription. Similarly, H.B.'s affidavit states that during several appointments Licensee acted inappropriately by unbuttoning his shorts and baring his chest and asking her to perform oral sex on him. A.W.'s affidavit details that during treatment visits, Licensee had at times asked her about her sex life, rubbed himself in the groin area, discussed his sex life with her, rub her back, shoulders and arm during multiple exams, opened his shirt in front of her, hugged her tight and rub his chest against her, and rubbed his erect penis through his pants. To A.W.'s knowledge, he had also been sexually inappropriate with two other patients by having sexual conversations with them, conducting medically unnecessary touching during treatment, and rubbing one patient's breasts.

Attorney Michael Porter spoke with the Licensee about signing a Preliminary Agreement Not to Practice and sent him a copy of the proposed document with a deadline of 04/04/22 but never heard back, despite an additional attempt to communicate after the deadline had passed.

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 Licensee has engaged in serious professional misconduct, including 1) inappropriately touching patients in a sexual manner; 2) inappropriately conversing and/or soliciting conversation with patients about his and their sex lives; and 3) using his position as a physician to solicit and/or exploit patients for sexual favors. Such conduct appears to be a violation of RSA 329:17, VI (c), RSA 329:17, VI(d), and/or RSA 329:17, VI(i). The Licensee's conduct on its face (as well as the action taken against the Licensee's licenses in Tennessee because of that conduct) demonstrate the Licensee poses an imminent threat to the public health, safety, and welfare, so as to warrant immediate emergency suspension of his temporary physician's license pursuant to RSA 541-A:30(III) and RSA 329:18-b.

IV. CONCLUSION AND DECISION:

Pursuant to RSA 541-A:30(III) and 329:18-b, the Board hereby orders the immediate emergency suspension of Randolph Lowry's temporary 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: 4/8/2022

____/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