

3A
Board

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
STATE OF NEW HAMPSHIRE
DIVISION OF ADMINISTRATION

121 South Fruit Street
Concord, N.H. 03301-2412
Telephone 603-271-3800

PETER DANLES
Executive Director

KIRA HAGEMAN
Director of Administration



January 17, 2017

His Excellency, Governor Christopher T. Sununu
And the Honorable Council
State House
Concord, New Hampshire 03301

Your Excellency and Members of the Council:

REQUESTED ACTION

Please accept Board of Medicine's enclosed annual report for FY16,
submitted pursuant to RSA 329:19.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Danles", written over a large, stylized flourish.

Peter Danles
Executive Director

Enclosure

**New Hampshire
Board of Medicine
Annual Report
For Fiscal Year 2016**

January 17, 2017

Pursuant to RSA 329:19

Personnel Data
Organizational Chart

Honorable Governor Margaret Wood Hassan
And the
Executive Council

Joseph D. Kenney
Colin Van Ostern
Christopher T. Sununu
Christopher C. Pappas
David K. Wheeler

Office of Professional
Licensure and Certification

<u>New Hampshire Board of Medicine</u>	<u>Appointed</u>	<u>Expires</u>
Robert J. Andelman, M.D.	01/25/07	12/03/16
Emily R. Baker, M.D., Vice President	01/17/14	04/21/19
Gail Barba, Public Member	02/07/07	02/07/17
Michael Barr, M.D., President	08/08/12	04/21/20
Frank B. Dibble, Jr., M.D., DHHS Commissioner's Designee	Pursuant to RSA 329:2	
Amy Feitelson, M.D.	04/21/06	04/21/16
Daniel Morrissey, O.P., Public Member	07/16/08	12/18/16
Daniel P. Potenza, M.D. (Replacing Amy Feitelson, MD)	06/15/16	04/21/21
Louis E. Rosenthal, M.D.	12/18/08	12/03/16
Mark Sullivan, P.A., President	06/04/08	04/21/18
Edmund J. Waters, Jr., Public Member	06/23/10	10/14/16
John H. Wheeler, D.O.	05/12/10	05/12/20

<u>Medical Review Subcommittee</u>	<u>Appointed</u>	<u>Expires</u>
Ralph D. Beasley, MD (Pursuant to SB 576)	04/06/16	04/06/19
David C. Conway, MD, Chair	02/02/11	12/03/16
David R. Coursin, M.D. (Pursuant to SB 576)	04/06/16	04/06/19
Nina C. Gardner, Public Member	12/19/12	12/03/18
Mark Iber, PA (Resigned)	07/14/10	12/09/15
Frank M. Mele, Jr., MD	02/25/15	01/01/17
Colin O'Brien, MD	04/22/15	12/09/18
Louis E. Rosenthal, MD	04/22/13	12/03/16
Leonard M. Rudolf, MD	02/25/15	12/03/17
Tanya A. Rule, P.A. (Replacing Mark Iber, PA)	08/05/15	12/09/15
Ira S. Schwartz, MD	02/16/11	01/01/17
Patricia Sherman, Public Member	07/24/13	06/27/19
Thomas V. Trevethick	06/24/15	06/27/17
Peter H. Wilson, MD	12/05/12	12/03/15

Administrative Staff:
3 Administrative Staff (Administrator, Administrative Supervisor, 1 License Clerk)
2 Investigative Unit Staff (investigator and secretary) and a contracted physician investigator

Board of Medicine

Annual Report

Fiscal Year 2016

July 1, 2015- June 30, 2016

RSA 329:19

ORGANIZATION AND FUNCTION

The Board of Medicine, established in 1897, is responsible for administering the Medical Practice Act, RSA 329. The Board licenses allopathic physicians, osteopathic physicians, and physician assistants. The Board protects the New Hampshire public by carefully reviewing license applications, investigating allegations of professional misconduct, and undertaking disciplinary actions against licensees who have violated the Medical Practice Act.

RECEIPTS AND EXPENDITURES

	<u>FY15</u>	<u>FY16</u>
Revenue	\$1,474,258	\$1,360,015
Expenditures		
Administration & Support	\$ 869,162	\$ 493,513
Required to Meet 125%	\$1,086,453	\$ 616,892
Excess of Revenue Over 125%	\$ 387,805	\$ 743,123

OPERATIONS

The Board of Medicine ("Board") is comprised of the following eleven volunteer members: five physicians; one osteopathic physician; one physician assistant, three public members; and the department of health and human services' commissioner, its medical director, or a designee of the commissioner. With the

exception of the commissioner's position, all other members are appointed by the Governor with the advice and consent of the Council.

The Board issued initial licenses to 524 physicians and 67 physician assistants in FY16. There were approximately 2,952 physician licenses renewed and 384 licenses lapsed for non-renewal. Physicians renew on a biennial basis, therefore, approximately half of all licensees renew each year. Physician assistants renew on an annual basis and approximately 617 physician assistants renewed their licenses during FY16.

The investigative functions of the Board are delegated to the Medical Review Subcommittee ("MRSC"). The MRSC consists of thirteen volunteer members: nine physicians (including one board member); one physician assistant; and three public members. The MRSC is tasked with investigating all cases of alleged professional misconduct that come to the Board. The Board's investigative staff consists of a full-time investigator, a part-time physician investigator (45 hours/month) and a full-time program specialist.

During FY16, the Board opened 424 new investigative cases. These cases came from numerous sources, including consumer complaints, the filing of malpractice suits, hospital disciplinary actions, and disciplinary reports from other jurisdictions. Members of the public can file complaints by the following methods:

- Calling the Board office at 1-800-780-4757 or (603) 271-4161;
- E-mailing Board investigator Dori Lefebvre at dori.lefebvre@nh.gov; or
- Mailing a complaint to the Board at 121 South Fruit Street, Concord, New Hampshire 03301-2412. Complaint forms can be found on the Board's website at www.nh.gov/medicine by clicking the link to "Consumers."

Each new case is reviewed by both the physician investigator and Board investigator. Based on this initial analysis, various documents, such as licensee responses, relevant medical records, police reports and witness statements, are obtained.

Once all investigative materials have been received, the physician investigator assigns the case to an MRSC member with the appropriate specialty. The physician investigator and Board investigator are also assigned investigative cases. When a case requires medical expertise that is unavailable at the MRSC, the physician investigator obtains a physician consultant with the appropriate specialty.

The reviewer summarizes his or her findings in a report of investigation and then presents the case to the MRSC. The MRSC votes on an appropriate resolution for the case.¹ The report of investigation, along with the MRSC's recommendation, is forwarded to the Board for final action.

During FY 2016, the Board closed 488 cases, and took the following actions:

- Issued 190 confidential letters of concern
- Approved 5 Settlement Agreements against licensees
- Denied 2 applications for licensure
- Issued licenses with restrictions to 1 licensee
- Approved 3 Preliminary Agreements for Practice Restrictions
- Issued 1 emergency suspension of license

¹ Cases may be disposed of by a decision to take no further action, a non-public, non-disciplinary letter of concern, or with public discipline. The Board is statutorily authorized to dismiss a case as frivolous or to take non-disciplinary remedial action when appropriate.

LICENSURE

<u>Physicians</u>	<u>FY2016</u>
Biennial Renewal	2,952
Non-renewal	384
New licenses	524
Temporary licenses	74
Training licenses	172
Reinstatement of license	34

<u>Physician Assistants</u>	<u>FY2016</u>
Annual Renewal	617
New Licenses	67

BOARD INVESTIGATIONS

	<u>FY2016</u>
Complaints filed	424

(This includes consumer complaints, notice of malpractice suits, and/or complaints from other sources, including National Practitioner Database Reports, insurance claim reports and reports of hospital disciplinary action).

BOARD ACTIONS

	<u>FY2016</u>
Letters of Concern issued	190
Formal Discipline	12
No further action taken	201
Unfounded	24

PUBLIC BOARD ACTIONS TAKEN IN FY 2016

Robert C. Vidaver, M.D. – License #13786 – Henniker, NH

7/2/15 – The Board approved an Order on Practice Restrictions for Robert C. Vidaver, M.D.

Boris O. Bergus, M.D. – License #8665 – Webster, MA

8/5/15 - The Board of Medicine approved a settlement agreement for Boris O. Bergus, M.D.

Nancy M. Turkington, M.D. – License#12923 – Hanover, NH

8/12/15 - The Board of Medicine approved a Settlement Agreement for Nancy M. Turkington, M.D..

Christopher J. Clough, P.A. – License #0441 – Somersworth, NH

10/13/15 – The Board of Medicine issued a Final Decision and Order for Christopher Clough, P.A.

Anton A. Heins III, M.D. License #12382- Amherst, NH

11/4/15 – The Board of Medicine issued an Order of Emergency License Suspension and Notice of Hearing to Show Cause for Dr. Anton Heins, M.D.

George M. Nowak, M.D, License # 9167 – Portsmouth, NH

1/4/16 -The Board approved a Preliminary Agreement for Practice Restrictions for George M. Nowak, M.D.

Stephen A. Goldberg, M.D., License # 14622 – Sugar Hill, NH

1/6/16 – The Board of Medicine approved a Settlement Agreement for Stephen A. Goldberg, M.D.

Anton A. Heins III, M.D. License #12382- Amherst, NH

11/4/15 – The Board of Medicine issued an Order of Emergency License Suspension and Notice of Hearing to Show Cause.

12/8/15 – The Board accepted a Preliminary Agreement for Practice Restrictions.

3/7/16 – On March 2, 2016, the Board accepted a Settlement Agreement.

Glenna C. Burton, M.D. – License # None – Sullivan, NH

1/4/16 – The order became effective. On July 1, 2015 the Board of Medicine issued a Final Decision and Order of Denial of Licensure.

Gail S. Ford, D.O. – License #8215 – Moore, ID

3/25/16 – The Board of Medicine issued an Order of Denial of License.

Roy M. Barnes II, M.D. – License #7721 – Claremont, NH

4/6/16 – The Board accepted a Settlement Agreement.