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President

JOHN H. WHEELER, D.O.
Vice President of the Board

KATHRYN M. BRADLEY
Executive Director

PENNY TAYLOR
Administrator



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ROBERT J. ANDELMAN, M.D.
ROBERT M. VIDAVER, M.D.
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GAIL A. BARBA, PUBLIC MEMBER
DANIEL MORRISSEY, O.P., PUBLIC MEMBER
EDMUND J. WATERS, JR., PUBLIC MEMBER

New Hampshire Board of Medicine

2 INDUSTRIAL PARK DRIVE, SUITE 8, CONCORD, NH 03301-8520

Tel. (603) 271-1203 Fax (603) 271-6702

TDD Access: Relay NH 1-800-735-2964

WEB SITE: www.nh.gov/medicine

January 7, 2013

Her Excellency, Governor Margaret Wood Hassan
And the Honorable Council
State House
Concord, New Hampshire 03301

Your Excellency and Members of the Council:

REQUESTED ACTION

Please accept the attached annual report for FY12 of the Board of Medicine submitted pursuant to RSA 329:19.

Respectfully submitted,

Handwritten signature of Penny Taylor in cursive script.
Penny Taylor
Administrator

enclosure

**New Hampshire
Board of Medicine
Annual Report
For Fiscal Year 2012**

January 7, 2013

Pursuant to RSA 329:19

Personnel Data
Organizational Chart

Honorable Governor John H. Lynch
And the
Executive Council

Raymond S. Burton
Daniel St. Hilaire
Christopher T. Sununu
Raymond J. Wieczorek
David K. Wheeler

Department of Health
and Human Services

<u>New Hampshire Board of Medicine</u>	<u>Appointed</u>	<u>Expires</u>
Robert J. Andelman, M.D., President	1/25/07	12/3/16
Robert P. Cervenka, M.D., Vice President	7/1/07	4/21/14
Amy Feitelson, M.D., Vice President	4/21/06	4/21/16
Robert M. Vidaver, M.D., DHHS Commissioner's Designee	Pursuant to RSA 329:2	
Louis E. Rosenthal, M.D.	12/18/08	12/3/16
Nick P. Perencevich, M.D.	10/7/09	8/01/12
John H. Wheeler, D.O. (Pursuant to HB233, 2009 Session)	5/12/10	5/12/15
Mark Sullivan, P.A.	6/4/08	4/21/13
Gail Barba, Public Member	2/7/07	2/7/17
Daniel Morrissey, O.P., Public Member	7/16/08	12/18/16
Edmund J. Waters, Jr., Public Member	6/23/10	10/14/16

Administrative Staff:
5 Administrative Staff (Executive Director, Administrator, Administrative Supervisor, 2 License Clerks)
2 Investigative Unit Staff (investigator and secretary)

Medical Review Subcommittee
Teresa Ponn, MD, Chair
Michael Sochat, MD
Paul J. Scibetta, Jr., D.O.
Michael Barr, MD (Resigned)
David C. Conway, MD
Ira S. Schwartz, MD
Robert P. Cervenka, M.D.
Mark Iber, P.A.
Patricia Waldvogel, Public Member (Resigned)
Linda Tatarczuch, Public Member
Christine Fales, Public Member

Board of Medicine

Annual Report

Fiscal Year 2012

July 1, 2011 - June 30, 2012

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 all consumer complaints, and undertaking disciplinary actions against licensee violations of the Medical Practice Act.

RECEIPTS AND EXPENDITURES

	<u>FY12</u>	<u>FY11</u>
Revenue (actual – medicine)	\$1,035,255	\$ 879,611
Impaired Physicians	\$ 142,360	\$ 76,080
Sale of Publications	\$ 6,200	\$ 7,132
Physician Assistants	<u>\$ 33,655</u>	<u>\$ 29,380</u>
Total	\$1,217,470	\$ 992,203
Expenditures		
Administration & Support	<u>\$883,142</u>	<u>\$834,921</u>
Total	\$883,142	\$834,921
Required to Meet 125%	\$1,103,928	1,043,651
Excess of Revenue Over 125%	\$ 11,354	(\$ 51,448)

OPERATIONS

The Board of Registration in Medicine licensed 461 new physicians and 65 physician assistants in fiscal year 2012. There were approximately 2,899 physician licenses renewed and 298 licenses lapsed for non-renewal. Physicians renew on a biennial basis, therefore, approximately ½ of the physicians renew each year. About 497 physician assistants renewed their license in the state during FY12.

The FY 2012 budget has funded the part time Medical Review Subcommittee Investigator. The Medical Review Subcommittee is responsible for investigating complaints against physicians and making disciplinary recommendations to the full Board. The Subcommittee consists of one member of the Board. A physician serves as Subcommittee Investigator. He directs the activities of the subcommittee and provides more direct clinical analysis to the committee's investigations. Nonetheless, the Board anticipates an increased use of specialty physician-consultants to review medical files when allegations of professional misconduct occur.

The Board receives complaints against physicians from a number of sources, including consumer complaints made directly to the Board in person or through the 800-telephone line. During FY 2012, the Board received 165 complaints and 86 malpractice suits filed in New Hampshire. The Board also received 305 referrals for investigation from other sources, including National Practitioner Database Reports, insurance claim reports and reports of hospital disciplinary action. The average investigation took 12-16 weeks and resulted in 31 formal disciplinary actions. The Board took reciprocal action against 3 licensee; suspended 1 license; revoked 1 license; approved 1 voluntary surrender of license; issued an Emergency License Suspension and Notice of Hearing to 3 licensees; issued an Emergency Suspension of Prescribing Privileges and Notice of Hearing to 1 licensee; issued orders denying 1 license; approved 4 preliminary agreements for practice restrictions; and imposed a reprimand on 12 other licenses. An administrative fine was attached to 12 of those actions. Included in 8 of the disciplinary actions, 8 physicians were required to take additional continuing medical education (CME's) in their area of specialty. The Board also issued 264 confidential letters of concern, which do not represent disciplinary action, but are intended as formal warnings to licensees.

LICENSURE

<u>Physicians</u>	<u>FY2012</u>
Biennial Renewal	2,899
Non-renewal	298
New licenses	461
Temporary licenses	86
Training licenses	142
Reinstatement of license	17

<u>Physician Assistants</u>	<u>FY2012</u>
Licenses Issued	65
Annual Renewal	497

BOARD INVESTIGATIONS

<u>Sources of Notice</u>	<u>FY 2012</u>
Complaints filed	165
Malpractice writs	86
Referred from other sources	305

BOARD ACTIONS

	<u>FY2012</u>
Letters of Concern issued	264
Formal Discipline	31

PUBLIC BOARD ACTIONS TAKEN IN FY 2012

Susan M. Hare, M.D. – License #11415 – Tilton, NH

7/6/11 - The Board of Medicine issued a Final Decision and Order in the Matter of Susan M. Hare, M.D., docket #11-06 (*license revoked docket #11-04). On June 1, 2011, the Board held a hearing after which the Board found that Dr. Hare engaged in unprofessional conduct by failing to alert patients and staff about closing her practice, failing to respond to patients' records requests, failing to safeguard patient information, and failing to cooperate with a Board investigation. Dr. Hare is reprimanded and assessed an administrative fine in the amount of \$87,900. Among other things, within 7 days Dr. Hare is required to provide medical records to patients who have made requests and to provide a written accounting thereof to the Board.

Zarina G. Memon, M.D. – License #11570 – Arlington, MA

6/6/11 – The Board approved a Settlement Agreement for Zarina Memon, M.D. On April 7, 2011, the Massachusetts Board of Registration in Medicine issued a final order regarding the disposition of disciplinary matters relating to an intention to perform a 'deep extubation' prior to a patient breathing on her own and relating to the recommendations of an independent psychiatric evaluation. Accordingly, the New Hampshire Board has taken reciprocal action. Dr. Memon's license is (non-permanently) revoked pursuant to the terms of the Massachusetts Board Order.

Rafael Tejada, M.D. – License# 12953 – Nashua, NH

7/8/11 – The Board of Medicine approved a Settlement Agreement for Rafael Tejada, M.D. Dr. Tejada failed to properly diagnose and treat bilateral acute bronchopneumonia with systemic deoxygenation, which may have contributed to the patient's death. Dr. Tejada is reprimanded and assessed an administrative fine in the amount of \$1,000. Dr. Tejada is required to participate in 20 additional CMEs in the area of emergency airway management.

Peter T. Pacik, M.D. – License# 4674 – Crystal Beach, FL

7/11/11 – The Board of Medicine issued a Final Decision and Order in the Matter of Peter T. Pacik, M.D., docket #11-02. On June 1, the Board held a hearing after which the Board found that Dr. Pacik engaged in unprofessional conduct by selling prescription-strength skin-care products via the Internet without first establishing a valid physician-patient relationship and by willfully and repeatedly violating RSA 329:17, VI(d). Dr. Pacik is reprimanded and assessed an administrative fine in the amount of \$635.00. Dr. Pacik is ordered to cease and desist from selling prescription strength medications to customers via the Internet without first establishing a physician-patient relationship.

Walter J. Griffiths, M.D. – License# 5661 – Bellows Falls, VT

8/5/11 – The Board of Medicine approved a Settlement Agreement for Walter J. Griffiths, M.D. On September 1, 2010, the Vermont Board of Medical Practice issued a final administrative order against Dr. Griffiths. Accordingly, the New Hampshire Board has taken reciprocal action. Dr. Griffiths is reprimanded, is required to retain a “practice monitor,” and is required to complete continuing medical education in practice management and opiate maintenance treatment.

Michelle F. Lackovic, M.D. – License# 8314 – Charlestown, NH

8/8/11 - The Board of Medicine approved a Final Order in the Matter of Michelle F. Lackovic, M.D. On July 6, the Board held a hearing to determine whether Dr. Lackovic failed to comply with the terms of her September 2010 Settlement Agreement by failing to complete the required continuing medical education course. The Board found that Dr. Lackovic so failed to comply. Dr. Lackovic is reprimanded and assessed an administrative fine in the amount of one dollar. It is further ordered that Dr. Lackovic is restricted from prescribing schedule II and III narcotics for a minimum of twelve months, effective August 15, 2011.

William B. Weeks, M.D. – License# 8374 – Lyme, NH

9/9/11 – The Board of Medicine approved a Settlement Agreement for William B. Weeks, M.D. Dr. Weeks twice violated his five-year contract that requires him to be monitored for alcohol use. Dr. Weeks is reprimanded and assessed an administrative fine in the amount of \$1,000.

William M. Todd, M.D. – License# 12360 – Greenland, NH

10/6/11 – The Board of Medicine issued a Final Decision and Order in the Matter of W. Michael Todd, M.D. The Board held a hearing on July 6, 2011, to determine whether Dr. Todd failed to treat a patient’s major alcohol withdrawal in the emergency room. The Board finds that on September 4, 2009, Dr. Todd displayed medical practice, which was incompatible with the basic knowledge and competence of an emergency room physician. Dr. Todd is reprimanded and is required to participate in an additional four hours of CMEs in the area of alcoholic and substance abuse patients.

Malcolm S. Beaudett, M.D. – License # 7246 – Hampstead, NH

10/18/11 – The Board of Medicine approved a Settlement Agreement for Malcolm Beaudett, M.D. Dr. Beaudett failed to maintain appropriate boundaries with a patient. He is required to complete the Case Western Reserve School of Medicine CME Program in Medical Ethics, Boundaries and Professionalism. Dr. Beaudett is also reprimanded and assessed an administrative fine in the amount of \$2,000.

Steven A. Chern, M.D. – License #9078 – Bow, NH

10/28/11 – The Board approved a Preliminary Agreement for Practice Restrictions for Steven Chern, M.D. Dr. Chern has professional misconduct allegations pending before the Board. Dr. Chern voluntarily agrees not to practice medicine, not to write prescriptions, and not to treat or see patients in the State of New Hampshire until such time as the Board approves his return to practice.

Don A. Holshuh, M.D. – License #6016 – Keene, NH

11/4/11 – The Board of Medicine approved a Final Order in the Matter of Don A. Holshuh, M.D. On April 6, the Board issued an emergency license suspension for Dr. Holshuh. On August 3, the Board held a hearing, which continued on September 7, to determine whether Dr. Holshuh had been intoxicated to such a degree that he presented a danger to himself. The Board found, among other things, that Dr. Holshuh engaged in professional misconduct: by purchasing controlled medication for his personal use; by failing to maintain his sobriety; by neglecting to address his mental and physical health; by returning to his practice after consuming alcohol; and by failing to care for his patients due to his consumption of alcohol. Dr. Holshuh is reprimanded and his license is suspended for at least one additional year from the date of the Board's Final Order. Dr. Holshuh is required to participate in a residential treatment program; engage in a seven-year contract for monitoring by NHPHP; and undergo a forensic psychiatric evaluation.

Marcy K. Traum, M.D. – License #RT-1892 – Philadelphia, PA

11/15/11- The Board approved a Preliminary Agreement for Practice Restrictions for Marcy Traum, M.D. Dr. Traum has professional misconduct allegations pending before the Board. Dr. Traum voluntarily agrees not to practice medicine, not to write prescriptions, and not to treat or see patients in the State of New Hampshire until such time as the Board approves her return to practice.

Michael B. Stevens, M.D. – License #14644 – Lynn, MA

12/12/11- The Board approved a Settlement Agreement for Michael B. Stevens, M.D. On August 18, 2010, the Massachusetts Board of Registration in Medicine issued a Consent Order and a Probation Agreement. Accordingly, the New Hampshire Board has taken reciprocal action. Dr. Stevens' license is indefinitely suspended, though such suspension is stayed pending Dr. Stevens' compliance with all terms and conditions of the Massachusetts Consent Order and Probation Agreement. Dr. Stevens is permanently restricted from prescribing medication listed on the Drug Enforcement Administration's Schedules II, III, IV, and V.

Michael E. Schorsch, M.D. – License #6680 – Lebanon, NH

12/15/11 - The Board of Medicine issued a Final Decision and Order in the Matter of Michael E. Schorsch, M.D., docket #11-11. On October 5, the Board held a hearing after which the Board found that Dr. Schorsch technically committed the violations alleged in the Notice of Hearing. As Dr. Schorsch demonstrated a commitment to curing these defects, the Board followed the Hearing Counsel's recommendation and did not impose discipline.

Michael J. O'Connell, M.D. – License # 7690 – Barrington, NH

1/4/12 – The Board of Medicine approved a Settlement Agreement for Michael J. O'Connell, M.D. Dr. O'Connell has agreed to a permanent voluntary surrender of his license to practice to avoid further delay and expense of proceedings arising out of the certain allegations regarding improper relationships with former patients.

Mark D. Weinreb, M.D. – License # 9507 – Laconia, NH

1/27/12 - The Board of Medicine issued an Order of Emergency Suspension and Notice of Hearing. The Board has received information indicating that the continued practice of medicine by Dr. Weinreb presently poses an imminent threat to life, safety and/or health, which warrants the temporary suspension of Dr. Weinreb license to practice medicine pending a hearing that is scheduled for February 1, 2012.

3/9/12 – The New Hampshire Board of Medicine approved a Preliminary Agreement for Practice Restrictions for Jonathan B. Weinreb, M.D. Dr. Weinreb has professional misconduct allegations pending before the Board. Dr. Weinreb voluntarily agrees not to practice medicine, not to write prescriptions, and not to treat or see patients in the State of New Hampshire until such time as the Board approves his return to practice.

12/7/12 – The Board issued a Settlement Agreement for Mark D. Weinreb, M.D. based on allegations of inappropriate prescribing. Dr. Weinreb's license was revoked for at least a five-year period beginning from the January 27, 2012 issuance of the Order of Emergency Suspension. Prior to reapplying for licensure, which cannot occur sooner than January 27, 2017, Dr. Weinreb shall participate in a comprehensive multidisciplinary assessment conducted by Acumen Assessments, LLC in Lawrence, Kansas.

Walter H. Jacobs, M.D. – License #6636 – North Andover, MA

2/2/12 – The Board of Medicine approved a Settlement Agreement for Walter N. Jacobs, M.D. On his 2004 renewal application, Dr. Jacobs failed to disclose that within the prior twelve months he had been the subject of investigations by the Massachusetts Board of Registration in Medicine. On license renewal applications submitted to the Board in 1992 and 1993, failed to provide written explanation for certain questions as expressly required by the language on the application. Dr. Jacobs is reprimanded and assessed an administrative fine in the amount of \$4,000.

Michael A. H. Remar, M.D. – License #9128 – Hollis, NH

3/8/12 - The Board of Medicine approved a Settlement Agreement for Michael A. Remar, M.D. The Board reviewed information pertaining to a trend of intra-operative complications and post-operative complications some of Dr. Remar's patients experienced. Dr. Remar is reprimanded and is required to complete an American College of Surgery Surgical Education and Self-Assessment Program 70-credit program or an equivalent CME program approved by the Board. Dr. Remar is assessed an administrative fine in the amount of \$2,000.

Bruce D. Latham, D.O. – License #12799 – Colebrook, NH

2/6/12 - The Board issued an Order in Furtherance of Settlement Agreement for Bruce D. Latham, D.O. Dr. Latham is required to follow all recommendations made by the Albany Assessment.

3/9/12 - The Board issued a "2nd Order in Furtherance of Settlement Agreement" for Bruce D. Latham, D.O. Dr. Latham is required to follow all deadlines set forth in the Order in Furtherance of Settlement Agreement issued on February 6, 2012 save for those extended.

Jonathan B. Warach, M.D. – License #12249 – Dover, NH

2/24/12 - The Board of Medicine issued an Order of Emergency Suspension and Notice of Hearing. The Board has received information indicating that the continued practice of medicine by Dr. Warach presently poses an imminent threat to life, safety and/or health, which warrants the temporary suspension of Dr. Warach license to practice medicine pending a hearing that is scheduled for March 7, 2012.

3/9/12 – The New Hampshire Board of Medicine approved a Preliminary Agreement for Practice Restrictions for Jonathan B. Warach, M.D. Dr. Warach has professional misconduct allegations pending before the Board. Dr. Warach voluntarily agrees not to practice medicine, not to write prescriptions, and not to treat or see patients in the State of New Hampshire until such time as the Board approves his return to practice.

David N. Lunianski, D.O. – License #14714 – Kennebunkport, ME

3/9/12 - The Board issued an Order Denying Request for Reinstatement. The Board denied the request because Dr. Lunianski has failed to comply with paragraph 7E of the February 2, 2011 Settlement Agreement.

Bijoy L. Kundu, M.D. - License #5387 – Bedford, NH

3/12/12 - The Board of Medicine issued an Order Denying Request to Complete Intensive Course of CME for Dr. Bijoy L. Kundu, M.D. Pursuant to the terms of the November 2008 Settlement Agreement, Dr. Kundu must complete the three-year clinical residency suggested by CPEP. The Board has voted to deny accepting a six-day CME in lieu of this requirement.

Michael P. DiPre, M.D. – License #10234 – Salisbury, NH

3/21/12 - The Board of Medicine issued an Order of Emergency of Suspension of Prescribing Privileges and Notice of Hearing for Michael P. Dipre, M.D. The Board received information indicating that the continued prescribing of controlled medications poses an imminent threat to life, safety and/or health, which warrants the immediate suspension of Dr. Dipre's privilege to prescribe controlled medications pending a hearing that is scheduled for April 4, 2012.

Philip V. Maiorano, M.D. – License #9305 - Gilford, NH

4/16/12 - The Board of Medicine issued an Order of Emergency Suspension and Notice of Hearing. The Board has received information indicating that the continued practice of medicine by Dr. Maiorano presently poses an imminent threat to life, safety and/or health, which warrants the temporary suspension of Dr. Maiorano's license to practice medicine pending a hearing that is scheduled for April 19, 2012.

4/20/12 - The Board of Medicine issued an Order Extending License Suspension in the Matter of Philip V. Maiorano, M.D. Subsequent to a preliminary hearing on April 19, the Board found that Dr. Maiorano's continued practice of medicine poses an imminent danger to the health and safety of the public. The Board ordered the license to be suspended pending an investigation and full adjudicatory proceeding. Dr. Maiorano's license is suspended until further order of the Board.

Timothy J. Baisch, M.D. – License #T-0598 – Williamstown, MA

4/20/12 - The Board of Medicine issued an Order of Conditional Approval of Application For Initial Temporary License for Tim J. Baisch, M.D. Dr. Baisch applied for a temporary (six-month) license to practice medicine, the Board approved the application with conditions.

Robert A. Norman, D.O. – No License – Tampa, FL

5/7/12 - The Board of Medicine issued a Final Decision and Order for Robert A. Norman, D.O. On April 4, the Board held a hearing after which it found that Dr. Norman engaged in the unlawful practice of medicine by holding himself out as qualified to practice medicine in New Hampshire when he was not licensed or otherwise authorized to do so. Dr. Norman is assessed an administrative fine in the amount of \$20,000.

Richard T. Cook, M.D. – License #LT-2933 – Hummelstown, PA

6/6/12 - The Board of Medicine issued a Final Decision and Order for Richard T. Cook, M.D. On May 2, the Board held a hearing after which the Board found that Dr. Cook engaged in professional misconduct for his failure to provide a written response in a Board investigation. Dr. Cook is reprimanded and assessed an administrative fine in the amount of \$500.

Noble N. Gabriel, M.D. – License # 7432 – Chelmsford, MA

6/6/12 – The Board of Medicine approved a Settlement Agreement for Nobel N. Gabriel, M.D. On December 21, 2011, the Massachusetts Board of Registration in Medicine issued a final disciplinary order relating to an unnecessary examination of a patient. Accordingly, the New Hampshire Board has taken reciprocal action. Dr. Gabriel is reprimanded and he must complete the 20 hours of CMEs imposed by the MA Board. Dr. Gabriel must have a chaperone present whenever he conducts a physical examination of any female patient.

Lisa M. Hatzos, M.D. – License #10943 – Windham, NH

6/6/12 - The Board of Medicine approved a Settlement Agreement for Lisa M. Hatzos, M.D. Dr. Hatzos wrote sixteen prescriptions, including for the following controlled drugs: hydrocodone, hydromorphone, alprazolam and lorazepam for an individual with whom no physician-patient relationship was established. Dr. Hatzos is reprimanded and assessed an administrative fine in the amount of \$3,000. She must contract with PHP.

Roger N. Gutner, M.D. – License #12030 – Laconia, NH

6/15/12 - The Board of Medicine approved a Settlement Agreement for Roger N. Gutner, M.D. Dr. Gutner removed a black lesion from Patient 1 but did not send it to pathology or schedule any follow up. Dr. Gutner failed to recognize the central nervous system side effects of medications he prescribed when exhibited by Patient 2. Dr. Gutner is reprimanded. He is required to participate in 4 CME hours on prescribing and 10 CME hours in dermatology with special attention to skin cancers. Dr. Gutner is assessed an administrative fine in the amount of \$3,000.