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State of New Hampshire

Office of Licensed Allied Health Professionals

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December 13, 2012

New London Hospital
Bruce King, CEO, President
273 County Road
New London, New Hampshire 03257

Regular & Certified Mail

Dear Mr. King:

On November 21, 2011, David A. Damour submitted to the New Hampshire Respiratory Care Practitioners Governing Board (the "Board") an application for renewal. With that renewal form, Mr. Damour provided information to the Board regarding two incidents of misconduct. He reported that he had altered the results of the Level 3 controls of the blood gas analyzers and that on May 26, 2010 he informed Dr. Steven Powell the ER physician and his supervisor Trish Sweezey of what he had done. In addition, he informed the Board that on June 9, 2011 he was fired for falsifying control data, with the potential for patient harm.

With the information provided by Mr. Damour, an investigation by the Board was commenced. During the investigation, it was confirmed that Mr. Damour had reported to New London Hospital that he had altered the results of the blood gas analyzers and his employment was terminated for his actions.

On September 17, 2012 Mr. Damour signed a "Settlement Agreement" with the Board (enclosed) in which Mr. Damour's license to practice was "Suspended".

RSA 328-F:25 II Obligation to Report; Immunities states:

Every individual, agency, facility, institution or organization regulated by the state and employing licensed allied health professionals within the state shall report to the appropriate governing board within 30 days any act by a licensee that appears to constitute misconduct. Persons and entities so reporting shall be immune from civil liability if the report is made in good faith.

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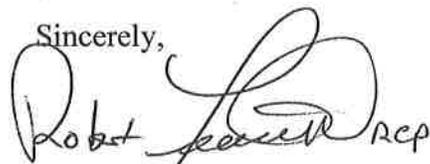
Pursuant to this provision, New London Hospital was obligated to report Mr. Damour's misconduct.

After reviewing the Board's files and the information provided during the investigation, the Board has determined that New London Hospital never reported to the Board Mr. Damour's actions or that he was fired misconduct. RSA 328-F:25 III states: "An administrative fine of \$500.00 shall be imposed on any person or entity failing to make a report required by this section.

For the hospital's failure to report Mr. Damour's misconduct, the Board is imposing a \$500.00 administrative fine to be paid to New Hampshire Respiratory Care Practitioners Governing Board no later than January 14, 2013.

The administrative fine will become final twenty (20) days after the date of this letter unless prior to 4:00 p.m. on the twentieth day of the date of this letter the Board receives a written request to show cause why the fine should not be imposed. The receipt of a timely filed request for a show cause hearing shall automatically stay the administrative fine and an order shall be issued in due course in which the Board establishes a date and time of the show cause hearing, and specifies the issues to be heard. The show cause hearing shall be a non-adjudicatory hearing. The hospital may request to be heard on any relevant matter of law or fact, but evidentiary proceedings shall be conducted only to the extent the hospital has identified in its request for a show cause hearing disputed factual issues which require resolution. This non-adjudicatory hearing will be conducted in non-public session unless the Petitioner makes a timely written request to conduct it in public session. Subsequent to such hearing, the Board will issue a 'final order' within sixty (60) days. The final order is a public document. Once a Board order is a 'final order' in accordance with either of the circumstances outlined above, the petitioner has thirty (30) days to file a request for reconsideration pursuant to RSA 541:3. Such motion shall comply with RSA 541:4.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Fishwick".

Robert Fishwick, RCP, Chair
New Hampshire Respiratory Care
Practitioners Governing Board