

**Before the  
Office of Allied Health Professionals  
Respiratory Care Practitioners Governing Board  
Concord NH 03301**

**In the Matter of:**

**DOCKET # 01-02**

**Paul W. Hallinan , RCP  
(Adjudicatory Matter)**

**DECISION AND ORDER**

By the Board: James R. Daley, RCP, Chair, Mark E. Favorite, RCP, Carl J. Rod, RCP,  
D. Thomas Akey, MD, Barbara L. St. George, Public Member

Also present for the Board: Veronique C. Soucy, Administrative Assistant and Dawn Griffin,  
court reporter

Appearances: Rorie Hollenberg, Esquire, and Hearing Counsel  
Paul Hallinan, Pro Se

For the record: Board Member Carl J. Rod is recused.

On December 13, 2001, the Respiratory Care Practitioners Governing Board ("Board") commenced a hearing in the matter of Paul W. Hallinan, RCP ("the Licensee") pursuant to the Board's "Notice of Hearing" dated November 16, 2001.

At the hearing the board accepted into evidence Exhibits 1-4 from Rorie E.P. Hollenberg, Esquire, Hearing Counsel, which documents that the licensee plead guilty to 1 count of False Declaration Before a Court, Title & Section 18 U.S.C. 1623 (a) and 4 counts of Tax Evasion under Title & Section 26 U.S.C. 7201.

At the hearing, the Board reviewed a Consent Decree jointly prepared by the parties, during an executive session of the monthly Governing Board meeting. Upon the licensee's agreeing to the recommended changes by the Board, the changes were finalized at this office and the parties signed the Consent Decree.

On January 22, 2002, an advisory letter was sent to Bjorn Lange, Esquire, Mr. Hallinan's attorney, that stated Mr. Hallinan had not met one of the conditions of the Consent Decree, specifically 6. C. i. ii. iii, that beginning sixty days (60) from the effective date of this agreement Mr. Hallinan was to submit the names of three (3) potential supervisors for Board approval. Those supervisors were to be provided with a copy of the agreement reflecting the standards for supervision. Also, each proposed supervisor was to provide a curriculum vitae, and a letter by that supervisor confirming that person's understanding of and qualifications for providing supervision within the terms of the agreement.

A listing of names and titles was received at the Office of the Attorney General and forwarded to the Office of Allied Health Professionals on January 23, 2002. The Respiratory Care Practitioners Governing Board met on February 14, 2002, and upon review found the list unacceptable as the petitioner had not provided the required letters or the curricula vitae from the proposed supervisors.

On February 14, 2002, the Board informed Mr. Hallinan in a letter to his counsel, that it was the consensus of the Governing Board that Mr. Hallinan was not in compliance with the terms of the decree, and should come again before the Board. Mr. Hallinan was advised to provide the Board with the supervisory requirements no later than February 25, 2002.

On March 4, 2002, letters and curricula vitae were received from three potential supervisors. Upon Board review, these letters were deemed incomplete. The supporting documentation provided by the Respondent is incomplete in that the letters of understanding from each potential supervisor did not address those individuals' qualifications to undertake supervision of the Respondent and their understanding of their role as supervisor under the terms of the Consent Decree. Moreover, the Supporting Documentation did not address the nature of the Respondent's relationship with these individuals, in light of the requirement that the intended supervisor have "no social or professional association" with the Respondent "that would impair the supervisor's ability to perform an evaluative role".

On March 19, 2002 a letter was sent to Attorney Lange stating that the letters from potential supervisor were unacceptable and the petitioner had not complied with the Board in a timely manner.

On March 21, 2002, the Board issued the Order to Show Cause to the licensee, pursuant to RSA 328-F:23,I; (a), RSA 328-F:25 and Ahp 206.02, This was hand delivered to Attorney Bjorn Lange at his office, 22 Bridge Street, Concord NH.

Therefore it is ordered, that the Respondent shall appear before the New Hampshire Board of Allied Health Professionals on April 11, 2002, at 10:00 a.m., at the Board's office for the purpose of participating in an adjudicatory proceeding, to show cause why the Board should not impose further disciplinary sanctions upon him for violations of its Consent Decree.

The specific issues to be determined at the hearing were:

- a. whether the Respondent violated the Consent Decree by failing to provide the Board with a List of Supervisors, in a timely manner;
- b. Whether the Respondent violated the Consent Decree by failing to provide the Board with the Supportive Documentation, in a timely manner.
- c. Whether the Supporting Documentation submitted by the Respondent fell short of what is required by the terms of the Consent Decree; and
- d. Whether and to what extent the Board would discipline the Respondent on the basis of the above, alleged violations of the Consent Decree.

On March 27, 2002, the Board received an original and five 5 copies of Attorney Hollenberg's Hearing Counsel's List of Exhibits regarding Mr. Hallinan.

On April 5, 2002, letters from the list of potential supervisors were received. These letters were reviewed with Mr. Hallinan at the Show Cause hearing.

On April 13, 2002, the Board held a hearing on the Order to Show Cause where Mr. Hallinan was present, Pro Se. The following exhibits were presented to the Board by Ms. Hollenberg, and were accepted into evidence.

Exhibit 1: Consent Decree issued by the Board, In the Matter of Paul Hallinan, R.C.P., dated December 13, 2001.

Exhibit 2: Letter to the Respondent, through his attorney, from the Board, dated January 22, 2002 from the Board to Mr. Hallinan;

Exhibit 3: List of potential supervisors submitted by the Respondent to the Board, undated.

Exhibit 4: Letter to the Respondent, through his attorney, from the Board, dated February 14, 2002.

Exhibit 5: Supporting documentation submitted by the Respondent to the Board concerning potential supervisors dated February 24, 2002.

Mr. Hallinan provided the explanation that he failed to understand the terms of the Consent Decree, to questions from the Board Members.

In his closing statement, Mr. Hallinan summarized his comments as a lack of comprehending the terms of the Consent Decree.

Upon consideration of the evidence accepted the Board finds further that Mr. Hallinan did not act in accordance with Consent Decree. By his failure to meet the time requirements of the Consent Decree, Mr. Hallinan has been working unsupervised, in violation of the Consent Decree.

**THEREFORE IT IS ORDERED**, That Mr. Hallinan is REPRIMANDED.

For his failure to comply with the Consent Decree of December 13, 2001,

**IT IS FURTHER ORDERED**, That the period of supervision under the Consent Decree of 12/13/01, shall be extended for 12 months and will expire on 12/13/04.

**IT IS FURTHER ORDERED**, That the licensee shall pay a fine of \$250.00 pursuant to RSA 328-F:23 and Ahp 501.02, and be received at the Office of Allied Health Professionals no later than 90 days from the date of this order.

IT IS FURTHER ORDERED, That failure on the part of Mr. Hallinan to comply with this Order or further violations of the Consent Decree, shall result in the loss of his license or other possible disciplinary action by the board.

**IT IS FURTHER ORDERED**. That failure to comply with these conditions or the violation of any federal, state, or local respiratory care related laws or regulations during the period of supervision shall result the immediate suspension of the Respondents license to practice respiratory care in the state of New Hampshire.

**IT IS FURTHER ORDERED**, That a copy of this order shall be mailed to the last home and business address provided by the licensee to the Board, via certified mail-return receipt requested, and that the Board shall separately notify the national organization and any other state in which he holds or has ever held a license.

**BY ORDER OF THE BOARD**

Dated:

May 9, 2002

  
James R. Daley, RCP, RRT, Chairperson  
Respiratory Care Practitioners Governing Board