

**Before the
State of New Hampshire
Board of Medicine
Concord, New Hampshire**

**In the Matter of:
James P. Kartell, M.D.
(Application for Reinstatement of License)**

ORDER OF LICENSE DENIAL

Now before the Board of Medicine ("the Board") is the September 29, 2008 Application for Reinstatement of License of Peter J. Kartell, M.D., ("the Applicant" or "Dr. Kartell" or "the Respondent"). Dr. Kartell was initially licensed to practice medicine in New Hampshire on November 7, 1974. The following is the history regarding Dr. Kartell's licensure in this State:

1. On March 8, 1999, the Board issued a *Stipulation as to Voluntary Temporary Surrender of Medical License* indicating that the "voluntary surrender shall remain in effect until September 8, 1999, or until such time as the New Hampshire Board of Medicine ("Board") issues a Notice Of Hearing and a disciplinary hearing pursuant to RSA 329:18-a is conducted, and if appropriate, disciplinary sanctions are imposed. Dr. Kartell does not admit to any liability by virtue of this voluntary surrender and this voluntary surrender does not prevent the Board from pursuing disciplinary action against Dr. Kartell."
2. On March 11, 1999, the Board issued an *Order Approving Interim Stipulation* which included information "with regard to a pending misconduct investigation concerning an alleged discharge of a firearm in Holy Family Hospital, Methuen, Massachusetts on February 23, 1999, and an alleged homicide resulting therefrom." The *Order Approving Interim Stipulation* also indicated that "Because the Voluntary Surrender Agreement itself does not provide a specific period within which the Board of Medicine shall commence a disciplinary proceeding against James P. Kartell, M.D. based upon the

above mentioned allegations, the Board has interpreted the agreement as requiring Dr. Kartell's medical license to remain suspended until September 8, 1999, or the completion of a Board disciplinary proceeding which was commenced on or before September 8, 1999, whichever comes later."

3. On August 17, 1999, the Board issued an *Order Approving Stipulation* which indicated that "the basis for this suspension was the arrest of Dr. Kartell in Methuen, Massachusetts on a charge of first degree murder for which he has since been indicted." This Order also indicated that "further investigation and disciplinary action is being contemplated by Hearing Counsel, dependent upon the outcome of the Massachusetts charge. A resolution of this charge will not occur prior to September 8, 1999." In this order, Dr. Kartell agreed to have his New Hampshire medical license placed on inactive status until these issues are resolved. Therefore, in this Order, it was ordered that "the medical license of James P. Kartell, M.D. be placed on inactive status until such time as the Board of Medicine's investigation be completed, either by way of a Notice of Hearing and a disciplinary hearing, by a Settlement Agreement, or by dismissal of the allegations."
4. On April 9, 2001, the Board issued a Settlement Agreement, signed by Dr. Kartell and his attorney, W. Scott Liebert, Esq., on December 13, 2000. In this Settlement Agreement it is indicated that "the allegations against the Respondent would be that he acted unprofessionally and in violation of RSA 329:17, VI(d) and (j) by the following conduct:
 - A. On February 23, 1999, the Methuen Massachusetts Police Department arrested and charged the Respondent with murdering Janos Vajda.

- B. On June 23, 2000, the Respondent was convicted by a jury of the voluntary manslaughter of Janos Vajda, at the Essex County Superior Court in Salem, Massachusetts.
5. On April 9, 2001, the Board issued a Settlement Agreement, signed by Dr. Kartell and his attorney, W. Scott Liebert, Esq., on December 13, 2000. In this Settlement Agreement Dr. Kartell consented to the following disciplinary action by the Board:
- “A. The Respondent’s license is hereby REVOKED.
- B. Respondent shall furnish a copy of the Settlement Agreement to any employer, any state licensing, certifying or credentialing authority to which he may apply for employment and/or privileges and to any current state licensing, certifying or credentialing authority. This must be complied with for a period of twelve (12) months from the effective date of this Agreement. Respondent’s breach of this condition shall be a separate basis for disciplinary action by the Board.”

The Board reviewed Dr. Kartell’s September 29, 2008 Application for Reinstatement of License at its January 7, 2009 meeting. At this meeting, the Board voted to deny Dr. Kartell’s application for reinstatement to practice medicine in New Hampshire. The grounds for denial are based upon a determination, under RSA 329:12(d)(2) and RSA 329:14, II, that Dr. Kartell has not demonstrated to the reasonable satisfaction of the Board that he is of good professional character, and additionally, pursuant to RSA 329:14, II, that Dr. Kartell has committed certain acts that would constitute grounds for discipline under RSA 329:17, I.

The Board reviewed the following information in making this determination:

1. Dr. Kartell’s complete Physician Reinstatement Application submitted to the New Hampshire Board dated September 29, 2008 and subsequent submissions including required reference letters and verification of other state licenses;
2. Supplemental correspondence to the Board from Dr. Kartell;
3. Information from the National Practitioner Data Bank submitted by the Medical Boards in Massachusetts, New York, Maine and Illinois, the Medical Professional Mutual

Insurance Company, Blue Cross and Blue Shield of Massachusetts and Health & Human Services Office of Inspector General in Maryland.

More specifically, the Board's determination that Dr. Kartell's application is unable to meet the requirements under RSA 329:12(d)(2) for good professional character, and that there are grounds for discipline under RSA 329:17, VI(d) and (j) is based upon:

A. the arrest of Dr. Kartell in Methuen, Massachusetts on a charge of first degree murder for which he has been indicted and subsequently convicted of voluntary manslaughter on July 19, 2000 and served 5-8 years in prison.

Therefore, the present Application for Reinstatement of License of James P. Kartell, M.D. is denied at 12:01 A.M., January 14, 2009 unless prior to 4:00 P.M., February 12, 2009, the Board actually receives at its office in Concord a written request for a hearing from the Applicant. See Med 301.02(e). If a timely hearing request is received, the application shall not be denied unless, following the resulting hearing, the Applicant fails to demonstrate that he is qualified for licensure. The burden of proof shall be on the Applicant to demonstrate that he meets the professional character and competency requirements for licensure under RSA 329:12 and RSA 329:14, II.

THEREFORE IT IS ORDERED, that the Application for Reinstatement of License of James P. Kartell, M.D., be denied effective 12:01 A.M., January 14, 2009, unless prior to 4:00 P.M., February 12, 2009, the Board receives a written request for a hearing; and

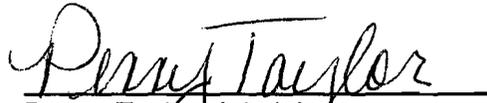
IT IS FURTHER ORDERED, that receipt of a timely filed hearing request shall automatically void this Order and a further Order shall be issued in due course in which the Board establishes the date and time of the hearing, and specifies the issues to be heard; and

IT IS FURTHER ORDERED, any hearing held in response to this Order shall be conducted pursuant to RSA 329:18-a, RSA 541-A:31, and Med Chapter 200, and the burden of proof shall be upon the Applicant. The Applicant may request to be heard on any relevant

matter of law or fact, but evidentiary proceedings shall be conducted only to the extent the Applicant has identified disputed factual issues which require resolution.

BY ORDER OF THE BOARD

DATE: 1/12/2009


Penny Taylor, Administrator
Authorized Representative of the
New Hampshire Board of Medicine