

**State of New Hampshire  
Board of Medicine  
Concord, New Hampshire 03301**

In the Matter of:  
Adnan S. Khan, MD  
No.: 13404  
(Misconduct Allegations)

**SETTLEMENT AGREEMENT**

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of medicine, the New Hampshire Board of Medicine (“Board”) and Adnan S. Khan, MD (“Dr. Khan” or “Respondent”), a physician licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 329:17, I; RSA 329:18; RSA 329:18-a; and Medical Administrative Rule (“Med”) 206 and 210, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by physicians. Pursuant to RSA 329:18-a, III, the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to practice medicine in the State of New Hampshire on February 7, 2007. Respondent holds license number 13404. Respondent practices emergency medicine in Keene, New Hampshire.
3. On or about June 4, 2013, the Board received information that on April 17, 2013 Cheshire Medical Center revoked the privileges of Dr. Khan.

4. In response to this, the Board conducted an investigation and obtained information from various sources pertaining to Respondent's alleged negligent treatment of a patient which allegedly resulted in the patient's death.
5. Respondent neither admits nor denies the alleged conduct, but stipulates that if a disciplinary hearing were to take place, Hearing Counsel may present evidence upon which the Board could conclude that Respondent engaged in professional misconduct, in violation of RSA 329:17, VI, by the following alleged facts:
  - A. On or about February 6, 2013 patient RA's father activated EMS for respiratory distress, fever, and an elevated heart rate.
  - B. EMS documented a HR as high as 278 and performed a pre-hospital EKG because ventricular tachycardia ("VTach") was a concern. EMS contacted the hospital to report vital signs and their impression of VTach.
  - C. RA presented at the Emergency Department of Cheshire Medical Center at 11:29 p.m. The patient was triaged at 11:42 p.m. and a pulse of 245, blood pressure of 53/39 and a temperature of 101.02 were recorded. An EKG was performed at 11:43 p.m. It was documented that the results were shown to Respondent at 11:47 p.m.
  - D. Respondent's notes state that at 12:13 a.m. RA was examined. It was documented that Respondent suspected RA was in VTach, but no therapy was administered.
  - E. Respondent then contacted the on-call cardiologist, who advised to treat the patient for probable sepsis with fluids and Tylenol. Respondent then ordered

IV antibiotics and spoke to a Dartmouth-Hitchcock critical care physician about a transfer.

F. At 12:29 a.m. the patient had a ventricular fibrillation cardiac arrest. He was treated with various medications but no shock was given. At 12:45 a.m. the patient was pronounced dead.

G. On July 17, 2013, Cheshire Medical Center revoked the medical privileges of Respondent.

6. The Board finds that the alleged conduct described above could constitute a violation of RSA 329:17, VI (c) and/ or (d).

7. Respondent acknowledges that this conduct if proven could constitute grounds for the Board to impose disciplinary sanctions against Respondent's license to practice as a physician in the State of New Hampshire.

8. Respondent consents to the Board imposing the following discipline, pursuant to RSA 329:17, VII:

A. Respondent is REPRIMANDED.

B. Respondent is required to meaningfully participate in 15 hours of continuing medical education in the area of Advanced Cardiac Life Support. These hours shall be in addition to the hours required by the Board for renewal of licensure and shall be completed within ninety days (90) from the effective date of this *Settlement Agreement*. Within fifteen (15) days of completing these hours, Respondent shall notify the Board and provide written proof of completion.

- C. Respondent is assessed an ADMINISTRATIVE FINE in the amount of \$1,000. Respondent shall pay this fine in full within thirty (30) days of the effective date of this *Settlement Agreement*, as defined further below, by delivering a money order or bank check, made payable to “Treasurer, State of New Hampshire,” to the Board’s office at 121 South Fruit Street, Concord, NH 03301.
- D. The Board may consider Respondent’s compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent’s license.
- E. Within ten (10) days of the effective date of this agreement, as defined further below, Respondent shall furnish a copy of the *Settlement Agreement* to any current employer for whom Respondent performs services as a physician or work which requires a medical degree and/or medical license or directly or indirectly involves patient care, and to any agency or authority which licenses, certifies or credentials physicians, with which Respondent is presently affiliated.
- F. For a continuing period of one (1) year from the effective date of this agreement, Respondent shall furnish a copy of this *Settlement Agreement* to any employer to which Respondent may apply for work as a physician or for work in any capacity which requires a medical degree and/or medical license or directly or indirectly involves patient care, and to any agency or authority

that licenses, certifies or credentials physicians, to which Respondent may apply for any such professional privileges or recognition.

9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 329:17, VI (d), and a separate and sufficient basis for further disciplinary action by the Board.
10. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence of a potential violation under RSA 329:17, VI (d) and (i) in the event that future misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
12. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
13. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
14. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.

15. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this agreement.
16. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board during its review of this *Settlement Agreement* have prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
17. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
18. Respondent certifies that he has read this document titled *Settlement Agreement*. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the misconduct described herein.
19. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

**FOR RESPONDENT**

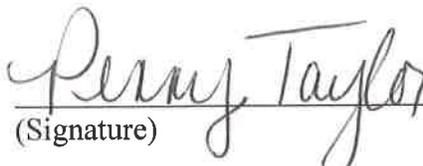
Date: 2/22/14

  
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Adnan S. Khan, MD  
Respondent

**FOR THE BOARD/\***

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: April 4, 2014

  
\_\_\_\_\_  
(Signature)

PENNY TAYLOR  
\_\_\_\_\_  
(Print or Type Name)  
Authorized Representative of the  
New Hampshire Board of Medicine

LOUIS  
/\* Rosenthal, MD Board members, recused.