

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

In the Matter of:  
Nadia H. Khan, M.D.  
No.: 13627  
(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 Nadia H. Khan (“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 August 1, 2007. Respondent holds license number 13627. Respondent practices at Dartmouth-Hitchcock Milford Family Medicine in Milford, New Hampshire.
3. Per RSA 329:17, III, an insurer notified the Board that it had received a claim from a 64-year-old patient (“E.C.”) of Dr. Khan alleging that that Dr. Khan “failed to recognize [the] need for hospitalization.”

4. In response to this, the Board conducted an investigation and obtained information from various sources pertaining to Respondent's care of E.C.
5. The Board's investigation revealed, and Respondent freely admits to, the following facts:
  - A. E.C. saw Dr. Khan for a preoperative physical prior to eye surgery that E.C. was scheduled to undergo with another physician.
  - B. Approximately ten days prior to the surgery, Dr. Khan started E.C. on Coreg, a beta-blocker, due to E.C.'s underlying diabetes and diastolic dysfunction. A year earlier, Dr. Khan put E.C. on beta-blockers prior to another eye surgery, and Dr. Khan is unaware of E.C. having been adversely affected by the beta-blockers at that time.
  - C. Two days after she began taking Coreg, E.C. called Dr. Khan's practice to report fatigue, lightheadedness, and heart racing. Dr. Khan advised that E.C. reduce her dosage to 1/2 a tablet.
  - D. The next day, E.C. reported the same symptoms as the day before, with possible shortness of breath. E.C. stopped taking Coreg.
  - E. The next day, Dr. Khan saw E.C. in her office. Two electrocardiograms ("EKGs") were done. Dr. Khan knew of the unreliability of an EKG machine's interpretations, so she read the EKGs herself. Dr. Khan interpreted sinus bradycardia and, in light of E.C.'s shortness of breath having improved, Dr. Khan sent E.C. home with instructions to return the following day.

- F. Dr. Khan failed to recognize that the EKG showed a complete heart block at a heart rate of 29, which would most likely have required hospitalization.
  - G. The day after E.C. was sent home after the EKG readings, E.C. was admitted to a hospital's emergency department for the placement of a pacemaker.
6. The Board finds that Respondent acted as described above and concludes that, by engaging in such conduct, Respondent violated RSA 329:17, VI(c).
  7. Respondent acknowledges that this conduct constitutes 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 28 hours of continuing medical education in the areas of electrocardiography and arrhythmias. Respondent has completed an 11.25 hour program on ECG interpretation, which shall count toward the 28 hours of continuing education. The entire 28 hours shall be in addition to the hours required by the Board for renewal of licensure and shall be completed within one (1) year 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 shall bear all costs of reporting required by this *Settlement Agreement*, but he shall be permitted to share such costs with third parties.
  - 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 pattern of conduct in the event that similar 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 her 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 her 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 her choosing in connection with her 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

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Settlement Agreement*

disclosures made to the Board during its review of this *Settlement Agreement* have prejudiced her 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 she signs this *Settlement Agreement*.
- 18. Respondent certifies that she has read this document titled *Settlement Agreement*. Respondent understands that she has the right to a formal adjudicatory hearing concerning this matter and that at said hearing she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her 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*, she 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: 6/27/2012

  
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Nadia H. Khan, M.D.  
Respondent

Date: 6/27/2012

  
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Counsel for Respondent  
Peter W. Mossau, Esq.

**FOR THE BOARD**

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

Date: July 13, 2012

Penny Taylor  
(Signature)

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