

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

**In the matter of:
Lancelot Toussaint
(Application for License)**

Docket No. 13-02

FINAL DECISION AND ORDER OF DENIAL

Now before the Board of Medicine ("Board") is the November 1, 2012 Application for Licensure of Lancelot Toussaint, MD ("the Applicant" or Dr. Toussaint").

The application was not sufficiently complete to permit Board action until December 8, 2012. The Board reviewed Dr. Toussaint's' application for license at its regularly scheduled meeting of January 9, 2013. On January 17, 2013, the Board issued an Order of Conditional Denial. Following Dr. Toussaint's timely request for a hearing on the denial, the Board issued an Order to Show Cause and Notice of Hearing on March 19, 2013. On August 7, 2013, the Board conducted a hearing to show cause as to why Dr. Toussaint's application for licensure should not be denied. The Board voted to accept and issue this Final Decision and Order denying Dr. Toussaint's application to practice medicine in New Hampshire.

The following Board members were present at the August 7, 2013 show cause hearing:

Daniel Morrissey, Public Member and Presiding Officer

John H. Wheeler, D.O.

Robert J. Andelman, M.D.¹

Robert M. Vidaver, M.D.

Michael Barr, M.D.

Gail Barba, Public Member

Edmund J. Waters, Jr., Public Member

¹ Dr. Andelman was present at the hearing but did not participate in the final vote.

Dr. Toussaint appeared *pro se*. Attorney Michelle Heaton and Assistant Attorney General Matthew Mavrogeorge appeared as Hearing Counsel from the Administrative Prosecutions Unit of the Attorney General's Office.

The following exhibits were introduced into evidence and accepted into the record:

- Respondent's exhibits A-D
- Hearing Counsel exhibits 1-8

The Board's determination that Dr. Toussaint's application is denied is based on its following findings of fact:

1. Dr. Toussaint does not meet the requirements for passing the USMLE under the NH Code of Administrative Rules, Med 303. 01(c) since he failed USMLE Step 1 three times before passing it on the fourth attempt; failed USMLE Step 2 six times before passing it on the seventh attempt; and failed USMLE Step 3 five times before passing it on the sixth attempt.
2. Dr. Toussaint does not meet the qualifications of NH Code of Administrative Rules, Med 302.01(d) which states that:

Applicants shall have completed 2 years of postgraduate training at an institution accredited by the Accreditation Council for Graduate Medical Education (ACGME), the American Osteopathic Association (AOA), or its equivalent which shall include, at a minimum, the following: (1) Board certification in the applicant's area of specialty; or (2) Completion of 10 or more years of practice combined with proof of 2 years of post graduate training outside the United States or Canada.

Dr. Toussaint does not have board certification and he has not completed 10 or more years of practice. During his years in France, Dr. Toussaint worked in a capacity that is more similar to the American equivalent of a resident; he never independently practiced as a doctor. The only part of this rule that he satisfies is that he completed 2 years of post graduate training in Port au Prince, Haiti.

3. Dr. Toussaint does not meet the definition of "board certified" which according to Med 301.01(c) means a "physician who is currently certified by a medical specialty board recognized by the American Board of Medical Specialties (ABMS) or by the American

Osteopathic Association (AOA). Dr. Toussaint included a copy of his "American Board of Urgent Care Medicine" certificate in his current application. The certification that Dr. Toussaint provided is not currently a medical specialty board recognized by the American Board of Medical Specialties (ABMS) or by the American Osteopathic Association (AOA) as required by Med 301.01(c).

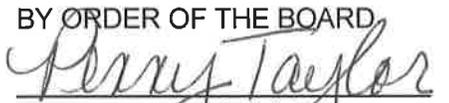
Based on the above findings of fact, the Board finds that Dr. Toussaint does not meet the qualifications for medical licensure in the state of New Hampshire.

THEFEOFRE IT IS ORDERED that the medical license application of Lancelot Toussaint, MD, is denied; and

IT IS FURTHER ORDERED that this Final Decision and Order of Denial shall become a permanent part of Dr. Toussaint's file, which is maintained by the Board as a public document that the Board may publicly disseminate; and

IT IS FURTHER ORDERED that this Final Decision and Order of Denial shall take effect on the date an authorized representative of the Board signs it.

DATE: 9/6/2013

BY ORDER OF THE BOARD

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