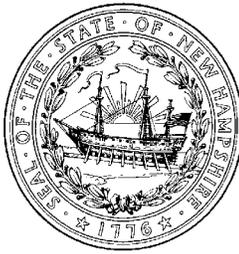


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New Hampshire Board of Medicine

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NEWSLETTER

News Editor: Penny Taylor, Administrator

WINTER, 2005

BOARD NEWS:

Election of Officers:

At the December, 2004 meeting, the Board elected officers for the coming year. Bruce J. Friedman, M.D. of Etna, New Hampshire was elected as President and Kevin R. Costin, P.A. of Manchester, New Hampshire was re-elected as Vice President.

The Board would like to thank Richard Amidon of Hancock, NH who has served on the Medical Review Subcommittee since 2000. Mr. Amidon recently accepted a full-time position as the Chief of Staff of the New Hampshire House of Representatives. The Board would also like to thank Wendy Gair Muello, M.D. of Lancaster, NH who has served on the Medical Review Subcommittee since 1998. Dr. Muello has completed 2 full terms on the Medical Review Subcommittee, which is the maximum allowed by law. The dedication and outstanding work of these Medical Review Subcommittee members has been greatly appreciated. They will both be missed.

IMPORTANT NOTICE to All Physicians:

Sexual misconduct with a patient as of 2004 is BY NH LAW a felony subject to prison or other punishment. This is a criminal issue and separate from any Board sanction. RSA 632-A:2, I states, "A person is guilty of the felony of aggravated felonious sexual assault if such person engages in sexual penetration with another person under any of the following circumstances: (g) When the actor provides therapy, medical treatment or examination of the victim and in the course of that therapeutic or treating relationship or within one year of termination of that therapeutic or treating relationship: (1) Acts in a manner or for purposes which are not professionally recognized as ethical or acceptable; or (2) Uses this position as such provider to coerce the victim to submit.

Reporting of Alcohol or Substance Abuse:

The Board of Medicine encourages the reporting (anonymously if desired) of colleagues who are thought to have a possible problem with alcohol or substance abuse to the Physicians Health Program at (603) 625-2622. This service is presently run by the New Hampshire Medical Society. Physicians **ARE NOT** reported to the Board of Medicine unless they violate their contract or refuse treatment.

The Physicians Health Program is now also offering treatment for the disruptive physician.

Besides increasing patient safety, you may save a colleague's life with your call. Please contact the NH Medical Society at (603)224-1909 or go to their website at www.nhms.org.

BOARD ACTIONS:

The following final board actions were taken by the Board from May, 2004 through December 31, 2004.

Mary Ellen Brooks, M.D. Derry, NH

5/7/04 - The Board of Medicine reprimanded Dr. Brooks for unprofessional conduct in violation of RSA 329 and Med 501.02(h), which incorporates the American Medical Association Principles of Medical Ethics.

Michael J. Murphy III, M.D. Manchester, NH

5/11/04 - Board of Medicine entered into a Settlement Agreement with Dr. Murphy for professional misconduct. Dr. Murphy is Reprimanded and assessed an administrative fine in the amount of one thousand dollars. Dr. Murphy has participated in continuing medical education programs in the area of hypertension management, diagnosis and treatment and shall participate and successfully complete the CPEP program entitled "Care Documentation Seminar."

Jason S. Henderson, D.O. Nashua, NH

5/12/04 - The Board of Medicine issued an Order of Emergency Suspension and Notice of Hearing. Allegations in support of this order that Dr. Henderson presently poses an imminent threat to life, safety and/or health, which warrants the immediate temporary suspension of licensure include the following. Dr Henderson entered into the NHPHP for assistance with his opiate addiction. Dr Henderson tested positive for the controlled substances and alcohol in violation of his contract. On December 22, 2003, Dr. Henderson signed a Settlement Agreement, which was issued by the Board of February 10, 2004. On April 1, 2004 Dr. Henderson submitted to a random urinalysis in compliance with the terms of both the Settlement Agreement and the contract.

Leo L. Maniace, M.D. Bedford, NH

6/8/04 - The Board of Medicine entered into a Settlement Agreement with Dr. Maniace. Dr. Maniace is reprimanded. He arrived at the Hospital in excess of thirty minutes after receiving the telephone call requesting his services. The standard of care for anesthesiologists required that the on-call anesthesiologist respond within thirty minutes of the time called to administer anesthesia.

Peter C. Loeser, M.D. Franklin, NH

8/26/04 - The Board of Medicine issued an Order of Emergency Suspension and Notice of Hearing. The Board has received information indicating that the continued practice of medicine by Dr. Loeser presently poses an imminent threat to life, safety and/or health, which warrants the temporary suspension of Dr. Loeser license to practice medicine pending a hearing.

James S. Jealous, D.O. North Woodstock, NH

10/8/04 - The Board of Medicine issued an Order of Emergency Suspension and Notice of Hearing. The Board has received information indicating that the continued practice of medicine by Dr. Jealous presently poses an imminent threat to life, safety and/or health, which warrants the temporary suspension of Dr. Jealous' license to practice medicine pending a hearing.

Albert M. Ghassemian, M. D. Methuen, MA

10/11/04 - The Board of Medicine issued a Reciprocal Order of Permanent License Revocation Pursuant to RSA 329:17-c. The Board has received information which indicated that the state of Massachusetts Board of Registration in Medicine issued a Consent Decree which, after making findings of fact and conclusions of law, revoked Dr. Ghassemian's inchoate right to renew his license to practice medicine in the Commonwealth of Massachusetts. Dr. Ghassemian did not appear for the hearing by the NH Board of Medicine scheduled on September 1, 2004. The New Hampshire Board finds that it is authorized to impose sanctions upon Dr. Ghassemian's New Hampshire medical license similar to that imposed in Massachusetts. Dr. Ghassemian's right to practice medicine in New Hampshire is permanently revoked.

Genesio W. Biesek, M.D. Bedford, NH

10/12/04 - The Board of Medicine entered into a Settlement Agreement with Dr. Biesek for professional misconduct regarding medical record keeping. Dr. Biesek is Reprimanded and assessed an administrative fine in the amount of one thousand dollars. Dr. Biesek is required to participate in 20 hours of continuing medical education in the area of internal medicine, specifically diagnostic testing and treatment of colorectal cancer, physical examination and proper medical documentation.

Josephine M. Meador, M.D. Bedford, NH

10/12/04 - The Board of Medicine entered into a Settlement Agreement with Dr. Meador to resolve professional misconduct and reciprocal discipline proceedings arising from discipline imposed by the State of Maine Board of Licensure in Medicine. Dr. Meador admitted that she was chemically dependent while practicing in New Hampshire and wrote fraudulent prescriptions. The Board ordered and respondent agreed to abide by the terms and conditions of the Maine Board Licensure in Medicine consent agreement. In the event she seeks to reinstate her lapsed New Hampshire license, she shall comply with any additional conditions mandated by the Board at that time.

Marcos B. Manning, M.D. Dover, NH

11/4/04 - The Board of Medicine issued a Final Order on Request for License Renewal. The Board finds that Dr. Manning had sufficient notice and opportunity to be heard on the conditional denial of his license renewal and that Dr. Manning violated his obligation to provide complete and accurate information on his renewal application, and committed unethical acts for which discipline could be imposed under RSA 329:17, VI as detailed in the Order for Conditional Denial. The denial of his September 17, 2003 request to renew his license to practice medicine in New Hampshire is now final.

David I Victor, M.D. Salem, NH

11/5/04 - Dr. Victor entered into a Preliminary Agreement with the NH Board as follows: He recognizes that professional misconduct allegations are now pending against him before the NH Board and the Massachusetts Board of Registration in Medicine. He hereby voluntarily agrees to abide by certain practice restrictions during his practice of medicine in the state of NH until such time as the Massachusetts Board and the NH Board issue final orders resolving allegations of professional misconduct against him. He agrees to physically examine all female patients only in the presence of a female chaperone. He will provide all female patients with a johnny to wear when a physical examination requiring the patient to disrobe is necessary.

Stephen M. Zappala, M.D. Andover, MA

11/5/04 - Dr. Zappala entered into a Consent Decree with the Board of Medicine for reciprocal discipline in the form of a reprimand. On or about May 19, 2004, the Mass. Board issued a Consent Order admonishing Respondent for unprofessional conduct, which had occurred on September 21, 2000. Dr. Zappala left the operation room without explanation before completion of his portion of an on going surgery.

The Board has also issued 26 confidential letters of concern, pursuant to RSA 329:17, VII-a, from July 1, 2004 through December 30, 2004. These letters advise the licensee that while there is insufficient evidence to support disciplinary action, the Board believes the physician should modify or eliminate certain practices, and that continuation of the activities which led to the information being submitted to the Board may result in action against the licensee's license. These letters are not released to the public or any other licensing authority, except that the letters may be used as evidence in subsequent disciplinary proceedings by the Board. 59 Consumer Complaints, 25 Writs from the Courts, 10 Malpractice Claims and 21 complaints from other sources were received during that time frame.

- The Board office has been called for requests of further details about certain disciplinary actions. All Orders are public documents and may be obtained by calling the Board office at (603) 271-1203. There is a fee of \$.25 per page for all Orders.