

Before the
New Hampshire Board of Registration in Medicine
Concord, New Hampshire 03301

In the Matter of:

Richard Belanger, RCP
(Initial License Application)

ORDER OF CONDITIONAL APPROVAL

Richard Belanger ("Applicant") submitted an application for a license to practice respiratory care in May 1993 in which he revealed that, on February 14, 1986, he had been convicted of possession with intent to distribute Schedule II narcotics. Mr. Belanger has graduated from an approved Respiratory Care Program and otherwise meets the criteria for licensure in New Hampshire. He was granted a restricted respiratory care license by the State of Maine on August 6, 1993, but has not practiced in that state and does not currently intend to do so.

Mr. Belanger's applications reveals that he was licensed as a pharmacist in Maine in 1976 and was practicing as a pharmacist in 1981 when he developed an addiction for prescription pain killers, such as Percocet and Levodromoran, after a knee injury in 1979. When his addiction escalated, he became acquainted with an individual who provided prescription blanks in return for a share of the drugs. In 1985 he left his employment at CVS Pharmacies which prompted an investigation into his practices.

When reported to the drug force in Maine, Mr. Belanger cooperated fully with the authorities and provided them with the provider of the prescription blanks. He pleaded guilty to a single felony count and was sentenced to six

years imprisonment at a federal low level prison in Duluth, Minnesota. He was paroled after 26 months for superior institutional performance, however, and released to a halfway house where he became involved in a treatment program which included frequent and random urine samples as well as regular Alcoholics Anonymous and Narcotics Anonymous meetings.

On admission to the Southern Maine Technical College respiratory care program, Mr. Belanger's criminal record and rehabilitation efforts were reviewed by the College Medical Director. He was closely monitored during the entire two year academic program by the College and the Maine Probation Department. No problems or concerns were observed by either entity, and Mr. Belanger is believed to have been drug free since his release from prison in 1988.

The Applicant has demonstrated that he has honestly confronted his drug abuse problem, has been drug free since 1985 and is on the way to a successful rehabilitation of his addiction, in addition to having avoided any further criminal conduct. Indeed, Mr. Belanger's probation officer in Maine believes Mr. Belanger "exceeded all expectations" in getting his life back in order and embarking upon a new career path.

The Applicant has also fully reported his history of drug abuse and theft to his potential New Hampshire employer, the Androscoggin Valley Hospital, and the Hospital supports his request for New Hampshire licensure and believes he will be able to maintain his rehabilitation record in the work setting proposed for him.

Because Mr. Belanger has been fully cooperative with the Board and candid with his potential employer, and because there is no evidence that he presents

a current threat to patients or the public by practicing as a respiratory therapist if he remains drug free, the Board believes the present application may be granted subject to certain license restrictions which require him to notify persons for whom he provides respiratory care services of his previous drug abuse problems, and to notify the Board of changes in employment status or changes in the status of his Maine license, for an additional three year period. If these restrictions are accepted, the application shall be granted.

If these restrictions are not accepted by the Applicant, he may request a hearing on his application, if he does so in a timely fashion, and this order shall be withdrawn and a hearing order issued.

THEREFORE, IT IS ORDERED, That the application of Richard Belanger for a respiratory care license shall be approved, subject to the restrictions set forth below, if the following condition is met:

1) The Applicant files written notice which is received at the Board's offices in Concord no later than 4:00 P.M., September 30, 1993, stating that he accepts and agrees to abide by the following license restrictions:

A) The Applicant shall furnish a complete copy of the Board's September 1993 conditional approval order to all persons who employ him as a respiratory care therapist, or who use his respiratory care therapist services as an independent contractor, in any state or jurisdiction, before commencing work or providing services for such persons; and

B) The Applicant shall provide the N.H. Board of Registration in Medicine with written notice of any change in his employment status, or in the name and address of his employer, within 24 hours of any such change, and shall provide a complete explanation of the reason for such change; and

C) The Applicant shall inform the Board within 24 hours of learning that the respiratory care therapist license issued to him by the State of Maine has been suspended or revoked or if any disciplinary action is commenced with regard to that license by the State of Maine for any reason; and

D) Violation of any of the above restrictions shall, after notice and an opportunity for hearing, result in the revocation of the Applicant's New Hampshire license;

E) Unless otherwise ordered by the Board after notice and an opportunity to be heard, these restrictions shall expire at midnight, December 31, 1996.

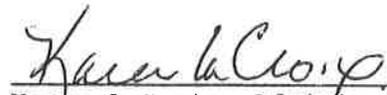
IT IS FURTHER ORDERED, that the Applicant is not required to accept the license restrictions proposed above, but may, alternatively, request a hearing on the merits of the application by filing written notice to that effect no later than 4:00 P.M., September 30, 1993. In any such hearing the burden shall be upon the Applicant to demonstrate that he possesses the requisite character qualifications to be licensed and can be depended upon to avoid professional misconduct and to adhere to the requirements of New Hampshire law and the regulations of the Board; and

IT IS FURTHER ORDERED, that if the Applicant does not notify the Board on or before 4:00 P.M., September 30, 1993 that he has accepted the proposed restrictions, or if the Applicant does not exercise his alternative right to request a hearing on the application, the application shall be denied; and

IT IS FURTHER ORDERED, That a copy of this Order shall be served upon the Applicant and the Board's Hearing Counsel.

BY ORDER OF THE BOARD

Dated: September 24, 1993



Karen laCroix, Administrator
N.H. Board of Registration in
Medicine