

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

In the Matter of:
Lynn N. Carlton, M.D.
No.: 6995
(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 ("NH Board") and Lynn N. Carlton, M.D. ("Dr. Carlton" or "Respondent"), a physician licensed by the NH Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the NH Board according to the following terms and conditions:

1. Pursuant to RSA 329:17, I; 329:18; and 329:18-a; and Medical Administrative Rule ("Med") 206 and 210, the NH Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by physicians. Pursuant to RSA 329:18-a, III, the NH Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The NH Board first granted Respondent a license to practice medicine in the State of New Hampshire on November 1, 1984. Respondent holds license number 6995. Respondent practices teleradiology and diagnostic radiology at National Radiology Group, located in Springfield, Missouri.

3. On August 20, 2007, the NH Board received a copy of a "letter of admonition," dated July 19, 2007 sent to Dr. Carlton from the Colorado State Board of Medical Examiners ("Colorado Board").
4. In response to this, the NH Board conducted an investigation and obtained information relating to the letter of admonition issued by the Colorado Board.
5. The Board's investigation revealed and Respondent freely admits to the following facts:
 - A. On or about July 19, 2007, the Colorado Board issued a letter of admonition to Respondent after making a finding that the radiological studies on a patient fell below generally accepted standards of practice for a radiologist ("letter of admonition"). *See Attachment A.*
 - B. The letter of admonition constitutes the imposition of public disciplinary action against Respondent by the Colorado Board.
 - C. The letter of admonition constitutes an administratively final order in this matter by the Colorado Board.
6. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 329:17, VI, RSA 329:17-c.
7. Respondent acknowledges that pursuant to RSA 329:17-c, the NH Board is authorized to impose reciprocal disciplinary sanction against a New Hampshire

licensee so long as the NH Board's sanction is substantially similar to the action taken against the licensee's license by the Colorado Board.

8. Respondent acknowledges that Respondent's conduct as sanctioned by the Colorado Board constitutes grounds for the NH Board to impose disciplinary sanctions against Respondent's license to practice as a physician in the State of New Hampshire.
9. Respondent consents to the NH Board imposing the following discipline, pursuant to RSA 329:17, VII:
 - A. Respondent is REPRIMANDED.
 - B. 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.
 - C. 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.

10. 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.
11. 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.
12. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
13. 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.
14. 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.

15. Respondent understands that entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
16. 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.
17. 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.
18. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
19. 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.

20. 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: 11/13/2007 Lynn N. Carlton
Lynn N. Carlton, M.D.
Respondent

Date: _____
Counsel for Respondent

FOR THE BOARD/*

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

Date: 12/12/07 Penny Taylor
(Signature)
PENNY TAYLOR
(Print or Type Name)
Authorized Representative of the
New Hampshire Board of Medicine

/* Board members, recused:
NONE

STATE OF COLORADO

STATE BOARD OF MEDICAL EXAMINERS

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Rosemary McCool
Director



Bill Ritter, Jr.
Governor

VIA CERTIFIED MAIL

July 19, 2007

Case No. 2006-004459-B

Lynn N. Carlton, M.D.
5157 S. Castlewood Dr.
Springfield, MO 65804

Dear Dr. Carlton:

Inquiry Panel B of the Colorado Board of Medical Examiners has reviewed the status of its inquiry regarding your role in the reading of x-rays on patient C.M. It was the Panel's decision not to commence with formal proceedings against your license to practice medicine. However, the Panel did vote to administer disciplinary action in the form of this letter of admonition.

Board records reflect that on June 27, 2004 you evaluated the CT scans of the cervical and thoracic spine of 16-year-old patient C.M. This patient had presented to the emergency department of a hospital in Bolivar, Missouri with complaints of a neck and back injury. The CT scans were transmitted to your home teleradiology unit for interpretation. Because of a technical failure, the lower cervical spine images did not appear in the imaging sequence. You interpreted the available images as being normal, despite the fact that the transmission was incomplete.

The Panel found that your review of the radiological studies on patient C.M. fell below generally accepted standards of practice for a radiologist, constituting a violation of § 12-36-117 of the Colorado Revised Statutes. It is incumbent upon you as a radiologist to obtain complete films and avoid providing a misleading diagnosis based upon incomplete studies. In addition, it is incumbent upon you to review all studies with due care and to report the findings accurately.

By this letter, the Panel hereby admonishes you and cautions you that complaints disclosing any repetition of such practice may lead to the commencement of formal disciplinary proceedings against your license to practice medicine, wherein this letter of admonition may be entered into evidence as aggravation.

ATTACHMENT A

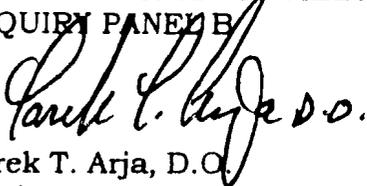
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NH BOARD

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Pursuant to agreement with the Panel, you have agreed to waive the right provided by § 12-36-118(4)(c)(III), C.R.S. to contest this letter of admonition.

Very truly yours,

FOR THE BOARD OF MEDICAL EXAMINERS
INQUIRY PANEL B



Tarek T. Arja, D.O.
Chair

TTA/de/JL

xc: Sean Dingle, Esq.