

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

**In the Matter of:
Sayed H. Elsieh, M.D.
(Application for Reinstatement of Licensure)**

Docket #: 13-03

ORDER OF DENIAL

Now before the Board of Medicine ("Board") is the June 25, 2012 Application for Reinstatement of Licensure of Sayed H. Elsieh, M.D. ("the Applicant" or "Dr. Elsieh"). The application for reinstatement of licensure was not sufficiently complete until November 7, 2012 when the National Practitioner Databank Report was obtained.

PROCEDURAL HISTORY

The Board first reviewed Dr. Elsieh's application for a full license at its regularly scheduled meeting of November 7, 2012. Based upon information in the application, the Board referred the application to the Medical Review Subcommittee ("MRSC") for investigation regarding Dr. Elsieh's reinstatement application and to recommend whether he should be issued a full unrestricted license. Specifically, the Board's November 8, 2012 referral for investigation requested further investigation of the circumstances surrounding Dr. Elsieh's voluntary surrender of privileges at St. Joseph Hospital in Nashua, NH.

The Board further reviewed Dr. Elsieh's application for reinstatement of license at its March 6, 2013 meeting, after receiving the Report of Investigation from the MRSC in late February, 2013. Based upon this review, the Board determined that Dr. Elsieh does not qualify for a license in the State of New Hampshire and denied his reinstatement application, pursuant to RSA 329:14, II because:

No application shall be granted unless the board finds that the applicant possesses the necessary educational, character and other professional qualifications to practice medicine, and that no circumstances exist which would be grounds for disciplinary action against a licensed physician pursuant to RSA 329:17, I. RSA 329:14, II.

On Question #11 of the Application, Dr. Elsieh stated that St. Joseph Hospital carried out an investigation and that there were no findings. He stated that he was asked to continue his practice at St. Joseph Hospital, but did not accept because he had a contract with John Hopkins

International. At the March 6, 2013 meeting, the Board found that the information provided by St. Joseph Hospital directly contradicted this information. The correspondence from St. Joseph Hospital states that the investigation was ongoing and that if Dr. Elsieh intended to remain at St. Joseph Hospital, he needed to prepare a written request for reinstatement and proposed plan for complying with outlined conditions.

Pursuant to RSA 329:17, VI(a):

"The Board, after hearing, may take disciplinary action against any person licensed by it upon finding that the person:

1. Has knowingly provided false information during any application for professional licensure ... whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application."

The Board ordered that a show cause hearing be scheduled to take place on Wednesday, November 6, 2013 at 1:00 pm, at the Board's office located at 2 Industrial Park Drive, Suite 8, Concord, New Hampshire. On October 24, 2013, Hearing Counsel to the Board submitted Hearing Counsel's List of Witnesses and Exhibits.

At the show cause hearing, scheduled for November 6, 2013, the following Board members were present:

John Wheeler, D.O.;
Mark Sullivan, P.A.;
Robert M. Vidaver, M.D.;
Gail Barba, Public Member;
Amy Feitelson, M.D.;
Robert Andelman, M.D.; and
Edmund J. Waters, Public Member, served as presiding officer.

The prosecution was represented by Hearing Counsel Attorney Michelle Heaton of the Administrative Prosecutions Unit ("APU") of the Office of the Attorney General. Dr. Elsieh appeared *pro se*. Attorney David C. Dunn timely filed *Proposed Findings of Fact and Rulings of Law* on behalf of Dr. Elsieh on November 15, 2013.

The Board considered Dr. Elsieh's testimony and the following evidence submitted by Hearing Counsel and admitted by the Board during the adjudicatory hearing:

1. Reinstatement Application for Sayed H. Elsieh received June 25, 2012;
2. Letter of Explanation to Question 11 dated June 20, 2012;
3. DataBank report for Sayed Hassan Elsieh processed November 11, 2012; and
4. Letter from St. Joseph Hospital to Dr. Elsieh dated December 21, 2006.

Dr. Elsieh testified that after September 11, 2001, he faced government scrutiny, which impacted him professionally and personally. He explained that he believed the investigation was over when he chose to resign. He also explained that he did not consult an attorney or

review St. Joseph Hospital's correspondence regarding the investigation when completing his application for reinstatement of licensure.

On November 15, 2013, Dr. Elsie submitted *Proposed Findings of Fact and Rulings of Law* in which he argued that he did not intend to mislead the Board, but answered with what he believed to be accurate when he left St. Joseph Hospital. Dr. Elsie does not contest that St. Joseph Hospital required him to take remedial action if he sought to maintain his clinical privileges there.

FINDINGS OF FACT

At the hearing, Dr. Elsie testified on his own behalf. Based upon his testimony, the Board accepts Dr. Elsie's proposed findings of facts one (1) through three (3) and nine (9).

The Board neither accepts nor denies Dr. Elsie's proposed findings of facts four (4) through eight (8) and ten (10) through thirteen (13).

The Board neither accepts nor denies the allegation in Dr. Elsie's proposed finding of fact fourteen (14). The Board finds the Dr. Elsie's testimony incredible in that he either knew or should have known he was under investigation as a letter was sent to his attorney.

The Board neither accepts nor denies Dr. Elsie's proposed finding of facts fifteen (15) and sixteen (16).

The Board neither accepts nor denies Dr. Elsie's proposed finding of fact seventeen (17) as it is a legal conclusion and requires no response.

RULINGS OF LAW

The burden of proof shall be on the Applicant to demonstrate that he meets the professional character and competency requirements for licensure pursuant to RSA 329:12 and RSA 329:14, II. Pursuant to RSA 329:14, II and RSA 329:17, VI(a), the Board finds that the Applicant did not meet his burden of proof in proving that he possesses the necessary educational, character and other professional qualifications to practice medicine in the State of New Hampshire. When completing his reinstatement application, the Applicant "fail[ed] to disclose fact[s] material to the application," RSA 329:17, VI(a). Regardless of whether the Applicant intentionally or affirmatively provided misinformation, the Applicant admits that he did not consult any documentation regarding the St Joseph Hospital investigation. By failing to review any documentation, the Applicant neglected to inform the Board of material information that when he left St. Joseph Hospital, the investigation was ongoing and that he needed to take remedial action to retain his clinical privileges.

THEREFORE IT IS ORDERED, that the reinstatement of licensure of Sayed H. Elsieh, M.D., be denied;

IT IS FURTHER ORDERED that this order will remain in effect until the Applicant completes a global comprehensive assessment from either The Center for Personalized Education for Physicians ("CPEP") or Acumen Assessments, Inc. and meets any and all recommendations of said assessment;

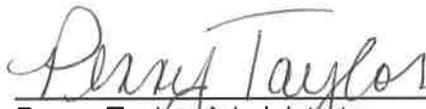
IT IS FURTHER ORDERED that any and all proof of compliance must be submitted to the Board before this order will be modified;

IT IS FURTHER ORDERED that any Motion for Reconsideration must be filed in accordance with Med 208.01; and

IT IS FURTHER ORDERED that this order shall take effect as a Order of the Board on the date it is signed by an authorized representative of the New Hampshire Board of Medicine.

BY ORDER OF THE BOARD*

DATED: 2/13/2014



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

*Board Member, Michael Barr, M.D., recused.