

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

In the Matter of:
Stephen V. Friedman, M.D.
No.: 15531
(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 (“Board”) and Stephen V. Friedman, M.D. (“Dr. Friedman” or “Respondent”), a physician licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 329:17, I; RSA 329:18; RSA 329:18-a; and Medical Administrative Rule (“Med”) 206 and 210, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by physicians. Pursuant to RSA 329:18-a, III, the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to practice medicine in the State of New Hampshire on February 1, 2012. Respondent holds license number 15531.
3. On June 29, 2012, the Board received an American Medical Association (AMA) Physician Disciplinary Alert Bulletin indicating that a public order dated January 18, 2012 (the “Massachusetts Order”) was issued against Respondent by the Massachusetts Board of Registration in Medicine.
4. In response to this, the Board conducted an investigation pursuant to RSA 329:18 and obtained information from various sources pertaining to the Massachusetts Order.

5. The following information was obtained during the course of the investigation:
 - A. During the course of an investigation by the Massachusetts Board of Registration in Medicine, Respondent signed a document titled *Stipulation* in which he acknowledged telling a nurse that he had administered Fentanyl to a patient when, in fact, he had not.
 - B. Thirteen days after signing the *Stipulation*, Respondent submitted an application dated September 15, 2011, seeking a license from the Board to practice medicine in New Hampshire.
 - C. Question 12 of the application asks whether there are any pending investigations (or within the prior ten years) by a governmental authority. Respondent answered, "No."
 - D. By order dated January 18, 2012, the Massachusetts Board reprimanded Respondent for failing to properly dispose of a syringe containing Fentanyl.
 - E. Respondent was granted a license by the New Hampshire Board that became effective February 1, 2012.
 - F. Respondent did not notify the Board about the Massachusetts Order.
6. The Board has not issued a Notice of Hearing on the merits in this matter. In an effort to avoid the delay and expense of further proceedings, Respondent agrees to the **permanent voluntary surrender** of his license to practice medicine in the State of New Hampshire. Respondent understands that the license surrender will be reported as discipline. By entering into this Agreement, Respondent makes no admission of wrongdoing.

7. 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 disciplinary action by the Board.
8. Except as provided herein, this *Settlement Agreement* shall bar the commencement of disciplinary action by the Board based upon the allegations of misconduct described above or other facts known to the Board as a result of its investigation. However, the Board may consider these facts and allegations of misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future.
9. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
10. 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.
11. 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.
12. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
13. 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.
14. 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.

15. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
16. 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.
17. The disposition of the disciplinary allegations referred to above shall be resolved before any future application may be submitted by the licensee in New Hampshire.
18. Respondent waives any issues of speedy hearing, spoliation of evidence, statute of limitation or laches should he apply for a license from the Board.
19. 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: 9/27/12


Stephen V. Friedman, M.D.
Respondent

Date: 10/11/12


Counsel for Respondent

FOR THE BOARD*

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

Date: 11/9/12


(Signature)

PENNY TAYLOR
(Print or Type Name)

Authorized Representative of the
New Hampshire Board of Medicine

* Robert P. Cervenka, M.D., Board member, recused.