

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

In the Matter of:
Catherine G. Hawthorne, M.D.
No.: 11596
(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" or "Board") and Catherine G. Hawthorne, MD, ("Dr. Hawthorne" 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; RSA 329:18; RSA 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 Board first granted Respondent a license to practice medicine in the State of New Hampshire on May 1, 2002. Respondent holds license number 11596. Respondent is an orthopedic surgeon who practices as a *locum tenens* physician in Gallup, New Mexico.
 3. Dr. Hawthorne filed a renewal application received by the NH Board on April 30, 2008. The renewal application was signed by Respondent and dated April 28, 2008.
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4. The renewal application included a section requesting information about events that may have occurred during the twenty four months previous to the filing of the renewal application. Respondent failed to provide accurate information in response to question number 1 and question number 8 on the renewal application.
5. In response to this, the Board conducted an investigation and obtained information from various sources pertaining to investigations initiated against Respondent by the State of Maine Board of Licensure in Medicine (“Maine Board”) and the State of Vermont Board of Medical Practice (“Vermont Board”) which related to a single incident involving one patient treated by Respondent in the state of Vermont.
6. Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel would prove that Respondent engaged in professional misconduct, in violation of RSA 329: 17, VI (a) and Med 501.02 (a) and (b), by the following facts:
 - A. Dr. Hawthorne filed a renewal application received by the NH Board on April 30, 2008. The renewal application was signed by Respondent and dated April 28, 2008.
 - B. Respondent answered “no” to question number 1 on the renewal application which asked, “With regard to any and all boards or licensing bodies with which you hold or have held a license to practice medicine have you been subject to any disciplinary action, limitation or restriction on your license or entered into any agreement with a licensing body for any reason, including but not limited to rehabilitation?”

- C. Respondent answered “no” to question number 8 on the renewal application which asked, “Have you been the subject of an investigation or disciplinary proceeding regarding the practice of medicine? Please exclude investigations and disciplinary proceedings conducted by the New Hampshire Board of Medicine.”
 - D. After Respondent’s New Hampshire Renewal Application was processed, the New Hampshire Board learned that the Maine Board and the Vermont Board had conducted investigations into Respondent’s prescribing practice for one of her Vermont patients during the twenty-four months included in the inquiry made by questions 1 and 8 on the New Hampshire Renewal Application.
 - E. The Vermont Board resolved its investigation on or about November 5, 2008. The Maine Board resolved its investigation on or about January 13, 2009. No disciplinary action was taken by the Board in either state.
7. Respondent neither admits nor denies the allegations set forth in paragraph 6 above.
 8. 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 (a) and Med 501.02 (a) and (b).
 9. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against Respondent’s license to practice as a physician in the State of New Hampshire.
 10. Respondent consents to the Board imposing the following discipline, pursuant to RSA 329:17, VII:

- A. Respondent is REPRIMANDED.
- B. Respondent is assessed an ADMINISTRATIVE FINE in the amount of one thousand dollars (\$1,000.00). Respondent shall pay this fine in two (2) installment of five hundred dollars (\$500.00) each. The first installment shall be due within thirty (30) days of the effective date of this *Settlement Agreement*, as defined further below. The second installment shall be due within ninety (90) days of the effective date of this *Settlement Agreement*. Both installments shall be made by delivering a money order or bank check, made payable to "Treasurer, State of New Hampshire," to the Board's office at 2 Industrial Park Drive, Suite 8, Concord, New Hampshire.
- C. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license.
- D. 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.
- E. 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.

11. 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.
12. 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.
13. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
14. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to her other than those terms and conditions expressly stated herein.

15. 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.
16. Respondent understands that her action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
17. Respondent has had the opportunity to seek and obtain the advice of an attorney of her choosing in connection with her decision to enter into this agreement.
18. 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 her right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
19. Respondent is not under the influence of any drugs or alcohol at the time she signs this *Settlement Agreement*.
20. Respondent certifies that she has read this document titled *Settlement Agreement*. Respondent understands that she has the right to a formal adjudicatory hearing concerning this matter and that at said hearing she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her 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*, she waives these rights as they pertain to the misconduct described herein.

21. 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: 6/17/09

Catherine Hawthorne MD
Catherine Hawthorne, MD
Respondent

FOR THE BOARD/*

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

Date: July 9, 2009

Penny Taylor
(Signature)

PENNY TAYLOR
(Print or Type Name)
Authorized Representative of the
New Hampshire Board of Medicine

/* Amy Feitelson, MD, Board member, recused.