

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

**In the Matter of:
Bijoy Kundu, M.D.
(Application for Administrative License)**

ORDER OF CONDITIONAL DENIAL

Now before the New Hampshire Board of Medicine ("the Board") is the June 27, 2014 Application for Administrative License of Bijoy Kundu, M.D. ("the Applicant" or "Dr. Kundu"). The application for an administrative license was not sufficiently complete to permit Board action until January 30, 2015.

The Board reviewed Dr. Kundu's application for an administrative license at its regularly scheduled meeting of February 4, 2015. At the Board's February 4, 2015 meeting, the Board voted to deny Dr. Kundu's application for an administrative license in New Hampshire.

By way of background, Dr. Kundu entered into a Preliminary Agreement for Practice Restrictions with the Board on May 7, 2010, which was effective on May 10, 2010. Dr. Kundu then entered into a November 4, 2010 Settlement Agreement that dealt with quality of care issues with nine different patients. The sanctions included a 12-month license suspension, a global assessment at the Center for Personalized Education for Physicians ("CPEP"), and compliance with all CPEP recommendations. Among its recommendations, was the successful completion of a three-year residency program. Dr. Kundu has not completed a three-year residency and, based on information submitted to the Board, she does not intend to do so. In reviewing Dr. Kundu's application for an administrative license, the Board finds that the same concerns that led to the recommendation for the residency program would also apply with an administrative license.

The Board's administrative rules provide the following definition of an administrative license:

"Administrative license" means a license to engage in professional, managerial or administrative activities related to the practice of medicine or to the delivery of health care services, but does not include the practice of clinical medicine; and/or a license to engage in medical research excluding clinical trials on humans. Med 301.01 (a).

While an administrative license does not authorize the practice of clinical medicine, it does authorize an individual to engage in activities related to the delivery of health care services. Consequently, the Board finds that Dr. Kundu does not qualify for an administrative license.

The grounds for denial are based upon a determination, under RSA 329:12, and RSA 329:14, II that Dr. Kundu does not meet the qualifications for an administrative license.

Materials reviewed by the Board in making this determination include the following:

1. Dr Kundu's Physician Reinstatement Application received on June 30, 2014;
2. Correspondence from Dr. Kundu's counsel;
3. The DataBank report dated February 2, 2015;
4. Dr. Kundu's November 4, 2010 Settlement Agreement;
5. Various letters in support of Dr. Kundu's application for administrative license; and
6. CPEP's January 2011 Global Assessment Report.

Therefore, the present license application of Bijoy Kundu, M.D. shall be denied at 12:01 A.M., April 13, 2015, unless prior to 4:00 P.M., May 13, 2015, the Board actually receives at its office in Concord a written request for a hearing from the Applicant. If a timely hearing request is received, the application shall not be denied unless, following the resulting hearing, the Applicant fails to demonstrate that she is qualified for licensure. The burden of proof shall be on the Applicant to demonstrate that she meets the professional character requirements for licensure under RSA 329:12 and RSA 329:14, II.

THEREFORE IT IS ORDERED, that the license application Bijoy Kundu, M.D., be denied effective 12:01 A.M., April 13, 2015, as a 'final order' unless prior to 4:00 P.M., May 13, 2015, the Board receives a written request for a hearing; and

IT IS FURTHER ORDERED, that receipt of a timely filed hearing request shall automatically stay this Order and a further Order shall be issued in due course in which the Board establishes the date and time of the hearing, and specifies the issues to be heard; and

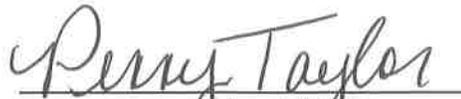
IT IS FURTHER ORDERED that in accordance with RSA 329:18-a, IV, a 'final order' is a public document; and

IT IS FURTHER ORDERED, any hearing held in response to this Order shall be conducted pursuant to RSA 329:18-a, RSA 541-A:31, and Med Chapter 200, and the burden of proof shall be upon the Applicant. The Applicant may request to be heard on any relevant matter of law or fact, but evidentiary proceedings shall be conducted only to the extent the Applicant has identified disputed factual issues which require resolution.

IT IS FURTHER ORDERED that this Order shall take effect as an 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

DATE: 4/10/2015


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