

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

In the Matter of:

**Dinh T. Nguyen, MD
(Application for License)**

ORDER OF CONDITIONAL DENIAL

Now before the Board of Medicine ("the Board") is the February 8, 2010 Application for License of Dinh Truong Nguyen, MD ("the Applicant" or "Dr. Nguyen"). The application for a full license was not sufficiently complete to permit Board action until July 23, 2010.

The Board reviewed Dr. Nguyen's application for a full license at its regularly scheduled meeting of August 4, 2010. Based upon information in the application, the Board determined that Dr. Nguyen does not qualify for a license in the State of New Hampshire and denies his application for licensure for the following reasons:

1. The NH Code of Administrative Rules, Med 303.01(c), Examination Requirements, state "Applicants shall pass each examination section within 3 attempts. Failure to pass that section after 3 attempts shall invalidate the entire examination." Dr. Nguyen failed USMLE Step 3 of the United States Medical Licensing Examination three times before passing it on the fourth attempt.
2. The NH Code of Administrative Rules, Med 302.01(d), Educational Requirements, state "Applicants shall have completed 2 years of postgraduate training at an institution accredited by the Accreditation Council for Graduate Medical Education (ACGME), the American Osteopathic Association (AOA), or its equivalent which shall include, at a minimum, the following: (1) Board certification in the applicant's area of specialty; or (2) Completion of 10 or more years of practice combined with proof of 2 years of post graduate training outside the United States or Canada." Dr. Nguyen has only completed one year of documented postgraduate training from June, 2005 to June, 2006.

On August 6, 2010, the Board wrote to Dr. Nguyen suggesting that, where he does not meet the minimum qualifications for licensure, he may withdraw his application for a full license in New Hampshire. On August 26, 2010, the Board received a letter from Dr. Nguyen dated August 22, 2010 requesting the Board reconsider his application for licensure. Dr. Nguyen explains in his August 22, 2010 letter that he does not meet the requirements of Med 303.01(c) and Med 302.01(d), as indicated above, due to medical reasons during this period of time in his life. The Board, at its September 1, 2010 regularly scheduled meeting, once again reviewed Dr. Nguyen's application for a full license, along with his August 22, 2010 letter. The Board, at its September 1, 2010 meeting, voted to table Dr. Nguyen's application for a license in New Hampshire until it's regularly scheduled meeting in October. Additionally, the Board wrote to Dr.

Nguyen on September 3, 2010 indicating that the NH Code of Administrative Rules do not allow the Board to waive the requirements of Med 303.01(c) or Med 302.01(d), therefore, he does not qualify for a full license in New Hampshire. In the Board's September 3, 2010 letter to Dr. Nguyen, he was informed that the Board would vote on his application at its October 6, 2010 meeting unless he withdrew the application on or before October 4, 2010. Dr. Nguyen did not withdraw his application for a New Hampshire license on or before October 4, 2010. At the October 6, 2010 meeting, the Board voted to deny Dr. Nguyen's application to practice medicine in New Hampshire. The grounds for denial are based upon a determination under RSA 329:14, II.

Therefore, the present license application of Dinh Truong Nguyen, M.D. shall be denied at 12:01 A.M., October 12, 2010, unless prior to 4:00 P.M., November 12, 2010, 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.

THEREFORE IT IS ORDERED, that the license application of Dinh Truong Nguyen, MD, be denied effective 12:01 A.M., October 12, 2010, as a 'final order' unless prior to 4:00 P.M., November 12, 2010, the Board receives a written request for a hearing; and

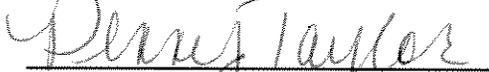
IT IS FURTHER ORDERED, that receipt of a timely filed hearing request shall automatically stay this Order and a further Order shall be issued in due course in which the Board establishes the date and time of the hearing, and specifies the issues to be heard; and

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



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

DATE: Oct. 12, 2010