

Before the
N.H. Board of Registration in Podiatry
Concord, NH

In the Matter of :

Donald C. Helms, D.P.M. and
William B. Ferriter, D.P.M.
(Misconduct Allegations)

Docket No. 97-01

DECISION AND ORDER

By: John J. Hammond, D.P.M., President, Steven B. Rudman, D.P.M.,
Brian R. Fradette, D.P.M., Howard S. Wagenberg, D.P.M. and George J.
Nameche, Board Members.

Appearances: Michael P. Lehman, Esq., for the Respondents.

The New Hampshire Board of Registration in Podiatry ("the Board") commenced this disciplinary proceeding by issuing a show cause order on September 4, 1997. The issues to be determined are whether Donald C. Helms, D.P.M., and William B. Ferriter, D.P.M., ("the Respondents") committed unprofessional conduct pursuant to RSA 315:9 II (c) by violating Pod 406.01 and violating ethical standards, subsections M and N, of the American Podiatric Medical Association or knowingly and willfully violated these sections pursuant to RSA 315:9, II (f).

A hearing was held pursuant to the show cause order on October 27, 1997 at which the Respondents appeared and gave testimony.

Findings of Fact

1. Dr. Helms has been licensed by the Board since 1970, Dr. Ferriter since 1977, and both physicians have practiced for many years at the Dartmouth Hitchcock Medical Center in Lebanon, NH.

2. The Dartmouth Hitchcock Medical Center publishes biennially a directory of providers entitled Dartmouth Hitchcock Consultation and Referral Guide which lists the credentials of all of its providers.
3. In that publication the Respondent's have repeatedly included listings under the section labeled "Board Certification" which have included "State Board of Podiatry Examiners" and in the case of Dr. Ferriter "National Board of Podiatry Examiners".
4. Neither Respondent holds advanced training which would qualify them for "Board Certification" status as it is commonly applied in Podiatry.

Discussion and Conclusions

The term "Board Certified" is commonly accepted as a reference to advanced training in a specialty area for which a certification has been issued and is not equivalent to licensure. By holding themselves out as "Board Certified" when they held no such qualification or special training they violated sections M and N of the American Podiatric Medical Association Ethical Guidelines, Pod 406.01 and RSA 315:9 (c). The Respondents' argument that they believed that state licensure status or passage of the licensure examination could be construed as "certification" is not credible.

The Respondents were notified of this problem by letter from the Board in December, 1992 and again in September, 1994. The Respondents made assurances at that time that the corrections would be made.

For these reasons, both Dr. Helms and Dr. Ferriter engaged in unprofessional conduct by publishing misleading information which tended to misrepresent their professional credentials.

The Respondents have indicated that they have prepared a correcting entry which can be mailed to all recipients of the Dartmouth Hitchcock Consultation and Referral Guide. While making the proper corrections to the misleading information is necessary, corrective action does not adequately address the ongoing nature of these repeated violations. Accordingly, the Respondents are formally reprimanded in addition to making the proposed corrections to the inaccurate representations.

THEREFORE, IT IS ORDERED; That Donald C. Helms, D.P.M. and William B. Ferriter, D.P.M. are hereby reprimanded by the New Hampshire Board of Registration in Podiatry.

IT IS FURTHER ORDERED; That the Respondents shall cause to be published correcting entries to the Dartmouth Hitchcock Consultation and Referral Guide in a form suitable for mailing to all recipients of that publication. The correcting entry shall be furnished to the Board for review and approval prior to January 15, 1998 and shall be mailed to all recipients of the publication on or before February 1, 1998.

BY ORDER OF THE BOARD

Dated: 1/29/98


Karen Lamoureux
Administrator