

**STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL
LICENSURE AND CERTIFICATION**

BOARD OF MEDICINE

**In Re: Lawrence Gray, M.D.
Lic. # 7057**

Docket No.: 2023-MED-019

**NOTICE OF EMERGENCY LICENSE
SUSPENSION HEARING -
08/02/23 @ 1:00 PM**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On or about 07/17/2023, the Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement”), acting on behalf of the Board of Medicine (“Board”), received a complaint alleging concerns that Lawrence Gray, MD (“Licensee”) had caused two of his patients to suffer unnecessary complications following surgical procedures he performed on them and had otherwise demonstrated incompetence to practice. OPLC Enforcement conducted an expedited investigation into the complaints, which yielded allegations that 1) since 2021 approximately 15-20 of the Licensee’s patients have had corrective reconstructive surgery by a different physician to rectify surgical errors made by the Licensee; 2) has incorrectly recited a patient’s surgical procedure; and 3) recently performed a wrong site surgery on a patient. On 07/21/23, the Board held an emergency meeting and voted to suspend the Licensee’s privilege to practice as a physician in New Hampshire on an emergency basis pursuant RSA 541-A:30(III); RSA 310:12, IV (eff. 07/01/23); and N.H. Code Admin. R., Title Plc 206.07 (“Plc”) (“Rules”). This Notice of Emergency License Suspension Hearing follows.

II. ORDERS:

(a) Pursuant to RSA 310:12, IV, and Plc 206.07(c), the Board hereby notifies the parties that it has scheduled an **emergency license suspension hearing** for:

Date: 08/02/23

Time: 1:00 pm

Place: OPLC, 7 Eagle Square, Concord, NH 03301. If you require reasonable accommodations, a translator, or wish to participate remotely (Rule 206.08(f)), you may file a motion with the Board.

Please advise if this hearing is anticipated to last longer than 2.0 hours by filing a motion explaining with particularity the necessity for the additional time. **INFORMATION REGARDING A PREHEARING CONFERENCE CAN BE FOUND IN SECTION II, r OF THIS NOTICE.**

(b) **EMERGENCY HEARING:** This emergency license suspension hearing shall be conducted pursuant to RSA 310:12, IV and Rule 206.07 et seq. To the extent that the aforementioned rules and statutes do not address an issue of policy or procedures, the Board shall rely upon RSA 329, RSA 541-A, RSA 310, and N.H. Admin. R. Ann., Title Jus, Part 800.

(c) **STATUTORY AUTHORITY:** Pursuant to RSA 310:12, IV, RSA 310:10, I, and Rule 206.07 et seq., the Board has hereby commenced an adjudicative proceeding against the Licensee. Pursuant to RSA 310:12, IV, there shall be a hearing not later than 10 working days after the date of the agency order suspending the license. Unless expressly waived by the Licensee in writing, if the Board had failed to commence this adjudicative proceeding within 10 working days, it would mean that the suspension order would be automatically vacated. **Pursuant to Plc 206.07, a request by the Licensee that the hearing be delayed shall only be granted if the Licensee agrees to the emergency suspension remaining in place until decision issues after the emergency suspension hearing.**

(d) **ISSUES PRESENTED:** Pursuant to Rule 206.06(b)(3), the following issues shall be considered at the emergency hearing in this matter:

(1) Whether the Licensee's license should remain suspended pending adjudication of a final disciplinary proceeding in this matter because he presents an imminent danger to public health, safety, or welfare while licensed as a physician in the State of New Hampshire for the reasons set forth in the 07/19/23 "Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 310:12, IV and N. H. Code Admin.R. Title Plc 206.07" and the Board's 07/21/23 "Order of Emergency Suspension."

(e) **PRESIDING OFFICER:** Pursuant to RSA 310:10, IV, V, and VI and Rule 206.03 et seq., an individual employed as Hearings Examiner with the New Hampshire Office of Professional Licensure & Certification shall act as the presiding officer in this proceeding with the authority to do, among other things, the following: preside, regulate and control the course of a hearing; issue oaths or affirmations to witnesses; rule on questions of law and other procedural matters; issue final orders based on factual findings of the Board; issue subpoenas; hold prehearing conferences; render legal opinions; and make conclusions of law.

(f) **HEARING COUNSEL/ADMINISTRATIVE PROSECUTOR:** Pursuant to RSA 310:10, III, the Chief Prosecutor (currently John Garrigan, Esq.), OPLC Division of Enforcement, 7 Eagle

Square, Concord, N.H., 03301 (or his designee) shall serve as Hearing Counsel to represent the public interest.

(g) ATTORNEYS: Pursuant to RSA 310:10, XI and Rule 206.06(b)(10), each party has the right to have an attorney represent them at the party's own expense. Any attorney representing a party shall file a notice of appearance at the *earliest date possible*, and no later than 3 days prior to this hearing.

(h) VOLUNTARY EXCHANGE OF DOCUMENTS: Pursuant to Rule 206.18, the parties shall attempt to forthwith agree among themselves concerning the mutual exchange of relevant information. If these efforts prove unsuccessful, upon motion, discovery shall be further ordered when the parties cannot adequately address said issues voluntarily.

(i) MOTIONS: Pursuant to Rule 206.12, parties shall file any motions or other requested relief in this matter with the Presiding Officer's Office, and provide a copy to the other parties. Unless good cause exists, all motions shall be filed at least ten (10) days before the date of any hearing, conference, event or deadline which would be affected by the requested relief. Any motion to postpone any hearing shall be filed *as soon as possible* and/or thirty (30) days before the hearing or conference in question.

(j) OBJECTIONS: Pursuant to Rule 206.12(d), any responses or objections to motions or other requested relief shall be filed in similar fashion within ten (10) days of receipt of such motion or other requested relief.

(k) EXHIBITS: Pursuant to Rule 206.18(e), parties shall provide a witness list, including a brief summary of their testimony, a list of proposed exhibits, and a copy of any proposed exhibits to the Presiding Officer's Office and the other parties no later than three (3) days prior to this hearing. Licensee's exhibits shall be pre-marked for identification with capital letters; Hearing Counsel's exhibits shall be pre-marked for identification with Arabic numerals. **THE PARTIES SHALL COME TO THE HEARING PREPARED: WITH COPIES OF THE EXHIBITS AND WITNESS AND EXHIBIT LISTS, WHICH THEY SHALL HAVE REVIEWED.**

(l) MAILING ADDRESS FOR THE BOARD: Pursuant to Plc 206.10(a), any and all petitions, motions, pleadings, proposed exhibits, or other documents shall be filed with the Board by mailing/delivering them to:

Thomas Pappas, Hearings Clerk
Presiding Officer's Office
7 Eagle Square
Concord NH 03301
hearingsclerk@opl.nh.gov

(m) COMMUNICATIONS WITH THE BOARD AND PRESIDING OFFICER: Routine procedural inquiries may be made by contacting Mr. Thomas Pappas. Any other communications with the Board or Presiding Officer must be in writing and filed as provided above. *Ex parte* communications (meaning "without the other party present and/or included") with the Presiding

Officer and/or Board are specifically forbidden by law. *See, i.e.*, Rule 206.10(b) and RSA 541-A:36.

(n) **EMAIL COMMUNICATIONS:** The parties and the Presiding Officer's Office have the option to agree to exchange e-mail addresses and the parties may agree that e-mail service of any and all documents going forward may be considered in compliance with Rule 206.11(a)(3) and 206.11(b)(3).

(o) **CONTINUANCES:** Pursuant to Rule 206.16, if you are unable to appear at any scheduled hearing, you must request a continuance from the Presiding Officer in writing and it shall be granted if the Presiding Officer determines that a continuance would assist in resolving the matter fairly under Rule 206.16(b).

(p) INTERVENTION: COMPLAINANT IS HEREBY NOTIFIED OF ITS RIGHT TO PETITION FOR INTERVENTION PURSUANT TO RULE 206.14. ANY FILED PETITION SHOULD STATE WITH PARTICULARITY: 1) THE PETITIONER'S INTEREST IN THE SUBJECT MATTER OF THE HEARING; 2) WHY THE INTERESTS OF THE EXISTING PARTICIPANTS AND THE ORDERLY AND PROMPT CONDUCT OF THE PROCEEDING WOULD NOT BE IMPAIRED BY ALLOWING THE PETITIONER TO INTERVENE; AND 3) ANY OTHER REASONS WHY THE PETITIONER SHOULD BE PERMITTED TO INTERVENE. THE INTERVENING PARTY SHALL CONTEMPORANEOUSLY COPY ALL PARTIES ON THE FILED PLEADING PURSUANT TO RULE 206.11. COMPLAINANT SHALL FILE ANY SUCH QUALIFYING PETITION TO INTERVENE NO LATER THAN 08/02/23 at 1:00 PM EST.

(q) NON-ATTENDANCE AT HEARING: PURSUANT TO RULE 206.25, THE FAILURE OF A PARTY TO APPEAR AT THE TIME/PLACE SPECIFIED ABOVE MAY RESULT IN THE HEARING BEING HELD *IN ABSENTIA* AND THE BOARD MAY ISSUE A FINAL DECISION WITHOUT FURTHER NOTICE OR OPPORTUNITY TO BE HEARD.

(r) **PREHEARING CONFERENCE:** Pursuant to RSA 310:10, VI and Plc 206.06(b)(6), a non-public Prehearing Conference in this matter is hereby scheduled for **7/26/23 at 9:00 AM via Zoom**. The Zoom link is available on the Board's website at: [New Hampshire Board of Medicine Meeting Information | NH Office of Professional Licensure and Certification](#). The issues to be addressed at the prehearing conference are as follows:

- (1) The distribution of exhibits and written testimony, if any, to the participants;
- (2) Opportunities and procedures for simplification of the issues;
- (3) Possible amendments to the pleadings;
- (4) Opportunities and procedures for settlement;
- (5) Possible admissions of fact and authentication of documents to avoid unnecessary proof;

- (6) Possible limitations on the number of witnesses and possible limitations on the scheduling of witnesses;
- (7) Possible changes to the standard procedures that would otherwise govern the proceeding; and
- (8) Other matters that might contribute to the prompt and orderly conduct of the proceeding.
- (s) RECORDING: A recording of the hearings shall be taken and preserved.
- (t) FINDINGS OF FACT: Pursuant to RSA 310:10, VII: Boards shall be the triers of fact in all disciplinary and non-disciplinary proceedings.
- (u) All prior consistent orders remain in full force and effect.

A copy of this Notice of Emergency Hearing shall be served upon the Licensee by certified mail addressed to the last known address supplied to the Board, and to their attorney if Licensee notifies the Board that they will be represented. A copy shall also be delivered to Hearing Counsel, Attorney John Garrigan, Chief Prosecutor, OPLC, 7 Eagle Square, Concord, N.H., 03301.

DATED: 7/21/2023

_____/s/ Nikolas K. Frye, Esq._____
Nikolas K. Frye, Esq., Hearings Examiner
Authorized Representative of the Board of
Medicine-
New Hampshire Office of
Professional Licensure & Certification
7 Eagle Square
Concord, NH 03301