

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

BOARD OF MEDICINE

**In Re: Leonardo Riella, MD
Med. Lic. #21716**

Docket No.: 23-MED-006

**NOTICE OF RECIPROCAL DISCIPLINE
HEARING – 6/7/23 @ 11:00 AM**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On or about 02/01/2023, the Board of Medicine (“Board”) voted to issue a Notice of Hearing to Dr. Leonardo Riella, MD (“Licensee”) for an adjudicatory reciprocal discipline hearing. The purpose of the hearing is to learn why reciprocal action should not be taken in New Hampshire in relation to the disciplinary action taken by another state licensing board against the Licensee. This Notice of Reciprocal discipline Hearing follows.

II. ORDERS:

(a) Pursuant to RSA 329 and N.H. Code Admin. R. Med 206.02(a) (“Rules”), the Board hereby notifies the parties that the Board has scheduled a **reciprocal discipline hearing** for:

Date: 6/7/23

Time: 11:00 AM

Place: OPLC, 7 Eagle Square, Concord, NH 03301. If you require reasonable accommodations, or wish to participate remotely, you may file a request with the Board.

Please advise if this hearing is anticipated to last longer than 30 minutes.

(b) **STATUTORY AUTHORITY:** This reciprocal discipline hearing shall be conducted pursuant to RSA 329:18-a and Rule 201 et seq. To the extent that the Board's rules do not address an issue of policy or procedures, the Board shall rely upon RSA 541-A, RSA 310-A, N.H. Admin. R. Ann., Title Jus, Part 800 and N.H. Admin. R. Ann., Title Plc, Part 200.

(c) ISSUES PRESENTED: Pursuant to Rule 206.02(c)(2) and RSA 541-A:31(III)(d), the issues to be considered at the adjudicative hearing are:

(1) Whether Licensee can show that reciprocal discipline should not be imposed in New Hampshire where the Board has received notice of discipline against Licensee in the State of Massachusetts.

(2) If the Licensee cannot meet her burden that reciprocal discipline should not be imposed, what constitutes reciprocal discipline within the meaning of RSA 329:17-c, given the sanctions available under RSA 329:17, VII.

(3) Whether the Licensee can show that a lesser sanction should be imposed by the Board then what constitutes reciprocal discipline under New Hampshire law.

(4) Whether more stringent sanctions should be imposed in New Hampshire then were imposed in the foreign jurisdiction(s).

(d) PRESIDING OFFICER: Pursuant to Rule 209.01, an individual employed as Hearings Examiner with the New Hampshire Office of Professional Licensure & Certification, shall act as presiding officer in this proceeding.

(e) HEARING COUNSEL/PROSECUTOR: The Chief Prosecutor with the New Hampshire Office of Professional Licensure and Certification (currently John Garrigan, Esq), OPLC Enforcement, 7 Eagle Square, Concord, N.H., 03301 (or his designee) is made a party to this matter, to act as Hearing Counsel to represent the public interest within the scope of RSA 329 in the limited capacity of making recommendations to the Board with respect to the legal issues presented and/or negotiating a proposed settlement agreement for the Board's consideration.

(f) ATTORNEYS: Pursuant to Rule 202.01, 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 15 days prior to a hearing.

(g) VOLUNTARY EXCHANGE OF DOCUMENTS: Pursuant to Rule 206.07, the parties shall attempt to 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.

(h) MOTIONS: Pursuant to Rule 205.04, parties shall file any motions or other requested relief in this matter with the Board, 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 that 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.

(i) **OBJECTIONS:** Pursuant to Rule 205.04(f), 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.

(j) **EXHIBITS:** Pursuant to Rule 204.01(c), parties shall provide a final witness list, including a brief summary of their testimony, a list of proposed exhibits, and a copy of any proposed exhibits to the Board and the other parties no later than five (5) days prior to the hearing. Applicant's exhibits shall be pre-marked for identification with capital letters; Hearing Counsel's exhibits shall be pre-marked for identification with Arabic numerals.

(k) **MAILING ADDRESS FOR THE BOARD:** Any and all motions, pleadings, proposed exhibits, or other documents shall be filed with the Board by mailing/delivering them to:

Talia L. Wilson, Board Administrator
Board of Medicine
7 Eagle Square
Concord NH 03301
Talia.l.wilson@oplcnh.gov

(l) **COMMUNICATIONS WITH THE BOARD:** Routine procedural inquiries may be made by contacting Ms. Talia L. Wilson, Board Administrator. Any other communications with the Board must be in writing and filed as provided above. *Ex parte* communications are specifically forbidden by law.

(m) **EMAIL COMMUNICATIONS:** The parties and the Board 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 204.03(c).

(n) **CONTINUANCES:** Pursuant to Rule 203.02(a), if you are unable to appear at any scheduled hearing, you must request a continuance from the Board in writing and it shall be granted if the presiding officer determines that good cause has been demonstrated under Rule 207.12(b).

(o) NON-ATTENDANCE AT HEARING: PURSUANT TO RULE 207.02(F), THE FAILURE OF A PARTY TO APPEAR AT THE TIME/PLACE SPECIFIED ABOVE MAY RESULT IN THE HEARING BEING HELD *IN ABSENTIA* (WITHOUT THAT PARTY PRESENT) AND THE BOARD MAY ISSUE A FINAL DECISION WITHOUT FURTHER NOTICE OR OPPORTUNITY TO BE HEARD.

(p) **RECORDING:** A recording of the hearings shall be taken and preserved.

(q) All prior consistent orders remain in full force and effect.

A copy of this Notice of Reciprocal discipline Hearing shall be served upon Applicant by certified mail addressed to the address supplied to the Board in the Applicant's application, and to their attorney if Applicant notifies the Board that they will be represented.

DATED: 5/3/2023

_____/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