

**State of New Hampshire
Board of Medicine
Concord, New Hampshire**

In the Matter of:
Robert C. Vidaver, M.D.
License No. 13786
(Adjudicatory Proceedings)

Docket No.: 15-04

PRELIMINARY AGREEMENT NOT TO PRACTICE

The New Hampshire Board of Medicine (“Board”) granted Robert C. Vidaver, M.D. (“Respondent”) a State of New Hampshire license to practice medicine on December 5, 2007. Respondent holds license number 13786.

On June 11, 2015, the Board issued a Notice of Hearing in which it ordered Respondent to appear for a hearing on allegations that Respondent wrote a Diazepam prescription to himself by forging another provider’s signature on that provider’s prescription pad and then had the prescription filled at a pharmacy.

On June 22, 2015, the Presiding Officer approved a request for a continuance of the hearing pending completion of Respondent’s criminal case related to the alleged misconduct. In a subsequent Order dated July 2, 2015, the Board ratified the approval of the request for a continuance and further noted that the continuance tolled the time limitations pursuant to RSA 332-G:9, II (1). The Board’s Order further noted that the continuance was granted to the extent that Respondent (a) refrains from prescribing or administering any controlled substance, and (b) schedules and attends an appointment with New Hampshire Professionals Health Program (“NHPHP”) and follows any of the program’s recommendations. Respondent has complied with the terms of the Board’s Order.

In April of 2018, Respondent pled guilty to Class A Misdemeanor for possessing a prescription drug without a valid prescription. As part of his sentence, Respondent may not seek reinstatement of his prescription writing privileges for controlled drugs for two (2) years.

Respondent enters into a Preliminary Agreement Not to Practice with the Board as follows:

1. Recognizing that the above referenced misconduct allegations are pending against me and that I have not worked under my medical license since March of 2015, I, Robert C. Vidaver, M.D., hereby voluntarily agree not to practice medicine, which includes, but is not limited to, writing prescriptions, examining/seeing patients, diagnosing patients, and treating patients, until satisfactory completion of a competency assessment.

2. I understand that before I may resume practicing medicine, I must demonstrate competence by completing a skills assessment conducted by an evaluating entity approved by the NHPHP, and by supplementing my skills as recommended by such evaluating entity. Upon satisfactory completion of the skills assessment and compliance with any recommendations by the evaluating entity, and submission of proof of the same to the Board, I may resume practicing but may not prescribe or administer any controlled substance until further order of the Board.

3. I understand that this Agreement is preliminary in nature and that the above referenced misconduct allegations that are currently pending against me must ultimately be resolved.

4. Understanding that this Agreement shall remain in effect until further order of the Board, I hereby specifically waive any statute of limitations or laches defense, which might then be available, including, but not limited to, those based on RSA 332-G:8 and 9. I also waive any potential issues regarding a lack of a speedy hearing or spoliation of the evidence.

5. I understand that the breach of any terms or conditions of this Agreement shall constitute unprofessional conduct pursuant to RSA 329:17, VI (d), and a sufficient basis for disciplinary action by the Board.

6. I admit to no violations of any statutes or any administrative rules or ethics provisions adopted by the Board.

7. In the event that I apply for renewal of my license while this Agreement is in effect, I voluntarily agree to waive any statutory or administrative time deadlines regarding the Board's final action on any license renewal application I submit. I understand that by waiving such deadlines, the Board's final action on any license renewal application I submit will automatically be deferred until after the disposition of my pending Board matter and that my license will not expire while this Agreement is in effect.

8. I voluntarily enter into this Agreement with the Board and state that no promises or representations have been made to me other than those terms and conditions expressly stated herein.

9. I have had the opportunity to seek and obtain the advice of an attorney of my choosing in connection with my decision to sign, and enter into, this Agreement.

10. I am of sound mind and not under the influence of any substance that would impair my judgment at the time I sign, and enter into, this Agreement.

FOR RESPONDENT

Date: 10/25/18

Robert C. Vidaver, M.D.
Robert C. Vidaver, M.D.
Respondent

Cinde Warmington
Cinde Warmington, Esq.
Counsel for Respondent

FOR THE BOARD

This Preliminary Agreement Not to Practice is hereby accepted in accordance with the binding terms and conditions set forth above.

Date: 11/14/2018

Penny Taylor
(Signature)

PENNY TAYLOR
Penny Taylor
Authorized Representative of the
New Hampshire Board of Medicine