

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

**In the Matter of:**

**John M. Severinghaus, M.D.  
License No.: 7237**

**Docket #: 20-MED-0005**

**FINAL DECISION AND ORDER**

Before the New Hampshire Board of Medicine (“Board”) is an adjudicatory/disciplinary proceeding in the matter of John M. Severinghaus, M.D. (“Respondent” or “Dr. Severinghaus”) in Docket Number 20-MED-0005.

**Background Information**

The Board first granted a license to practice medicine in the State of New Hampshire to Dr. Dr. Severinghaus on December 5, 1985. Dr. Severinghaus holds license number 7237.

1) On February 5, 2020, the Vermont Board of Medical Practice (“Vermont Board”), issued a Stipulation and Consent Order (“Order”) against Dr. Severinghaus. Pursuant to the terms of this Order, Dr. Severinghaus’ Vermont medical license was temporarily **CONDITIONED** as follows:

A. Dr. Severinghaus shall be **REPRIMANDED** for the conduct set forth in the Order for a period of five years; and

B. Dr. Severinghaus shall pay an administrative penalty of \$3,000.00. The Payment shall be made to the “State of Vermont Board of Medical Practice,” and shall be sent to the Vermont Board of Medical Practice office, at the following address: David Herlihy, Executive Director, Vermont Board of Medical Practice, P.O. Box 70, Burlington, VT 05402-0070. The payment shall be due no later than one year after the Stipulation is approved by the Vermont Board; and

C. Dr. Severinghaus shall retain the services of a “practice monitor” for a minimum of three years, subject to the terms and conditions set forth in the “Practice Monitoring Agreement,” which was incorporated by reference and attached to the Order as Exhibit A. The three-year practice monitoring requirement will not begin until the official “start date” as defined in the Practice Monitoring Agreement. Respondent shall comply with the terms and obligations of the Practice Monitoring Agreement.

D. Dr. Severinghaus shall temporarily surrender, on his Drug Enforcement Administration registration, privileges to prescribe Schedule II controlled substances to all patients for a period of no less than three years from the date that the Stipulation is approved by the Board. Respondent shall not seek relief from this condition until after he has obtained relief from the Board from the practice monitoring condition as described above and the Practice Monitoring Agreement. Once Respondent’s petition for relief from the temporary surrender of his privileged to prescribe Schedule II controlled substances is granted by Board Order, Respondent’s DEA prescribing privileges shall thereafter be unencumbered. In addition, two years after

Board approval of the Stipulation, Respondent can petition for relief from this condition by providing specific details on why relief from this condition is necessary.

E. No later than one year from the date of approval of the Stipulation and Consent Order, Respondent shall successfully complete a comprehensive course on medical recordkeeping that qualifies for AMA PRA Category 1 continuing medical education (“CME”) credit, and a course on the topic of patient communication. Each CME course shall be a live, in-person course. CME credits obtained through online CME courses are not acceptable for this requirement and will not be approved by the Committee. The course on medical recordkeeping must include a pre-course assessment of records previously prepared by Respondent and a post-course review of later-created records. Results of the post-course review shall be provided to the practice monitor and to the Committee. Respondent shall seek prior approval, in writing, from the Committee for the CME course. Upon successful completion of each CME course, he shall provide the Committee with proof of attendance. Respondent shall also provide the Committee with a brief written narrative of each CME course which will document what he learned from each course, and how he will apply that knowledge to his practice. Respondent shall provide proof of attendance and the written narratives to the Committee within 30 days of completion of each course. Respondent shall be solely responsible for all costs associated with the CME courses.

2) This action was based on the Vermont Board’s finding that the Respondent’s substandard medical recordkeeping and unreliable and untimely response to a patient as described in the Order was not in conformance with the applicable standard of care for psychiatric and substance abuse treatment and constitutes unprofessional conduct as defined in 26 V.S.A. § 1354(b)(1) & (2).

3) Pursuant to RSA 329:17-c, when the Board receives “an administratively final order from the licensing authority of another jurisdiction which imposes disciplinary sanctions against a licensee of the board, . . . the board may issue an order directing the licensee to appear and show cause why similar disciplinary sanctions . . . should not be imposed in the state.” Accordingly, on April 1, 2020, the Board voted to issue a Notice of Hearing to Show Cause. The purpose of the Show Cause hearing was for Respondent to show cause to the Board why disciplinary sanctions similar to those imposed by the Vermont Board should not be imposed in New Hampshire.

On April 9, 2020, the Board issued a Notice of Hearing to Show Cause scheduling the hearing to take place on Wednesday, September 2, 2020 at 1:00 P.M. at the Board’s office located at 121 South Fruit Street, Concord, New Hampshire. Subsequently, the Board issued an Amended Notice of Hearing to Show Cause scheduling the hearing to take place on the date and time above, electronically via real-time, two-way video conferencing through the Office of Professional Licensure and Certification (“OPLC”) ZOOM account.

The hearing commenced on September 2, 2020 beginning at approximately 1:20 P.M. The

Board members present included:

- Daniel P. Potenza M.D., President
- David C. Conway, M.D., Vice President
- Emily R. Baker, M.D.
- John H. Wheeler, D.O.
- Michael Barr, M.D.
- Jonathan Ballard, M.D., M.P.H.
- Gilbert J. Fanciullo, M.D.
- Susan M. Finerty, P.A.
- Nina C. Gardner, Public Member
- Donald L. LeBrun, Public Member
- Linda M. Tatarczuch, Public Member

Daniel P. Potenza, M.D., Board President, served as presiding officer. Dr. Severinghaus appeared and represented himself.

The presiding officer confirmed with Dr. Severinghaus that the Board has received Respondent's Exhibits A through E and asked Dr. Severinghaus if he had any further exhibits he wanted to present to the Board. Dr. Severinghaus indicated that he did not have any further exhibits to present.

Dr. Severinghaus submitted the following exhibits, which were admitted into evidence by the presiding officer:

- A. National Practitioner Data Bank report dated February 26, 2020
- B. Report of Interview between Dr. Severinghaus and the New York State Office of Professional Medical Conduct, conducted on June 16, 2020
- C. Letter from Dr. Severinghaus to the New York State Department of Health, OPMC, dated July 25, 2020, responding to the Interview conducted on June 16, 2020
- D. Fourth monthly report from Dr. Severinghaus' practice monitor, Donald West, M.D., August 2020
- E. Curriculum Vitae of John M. Severinghaus, M.D.

### **Discussion and Rulings**

The presiding officer opened the hearing and offered Dr. Severinghaus the opportunity to make an opening statement. Dr. Severinghaus gave an opening statement which consisted of his educational background and medical practice background. Dr. Severinghaus pointed out to the Board that, prior to the Vermont Board investigation, he did not have a single board complaint or malpractice allegation held against him in over forty years of practice.

Dr. Severinghaus went on to present testimony with regard to the Vermont Board investigation, which began with a single complaint from one patient who did not feel that he was responsive enough to her inquiries and, in particular, did not believe that he had provided adequate medication nor made coverage arrangement for an occasion while he needed to be away. Dr. Severinghaus informed the Board that he respectfully disagreed with the complaint, and still does. He explained to the Board that this complaint evolved into a broader investigation by the Vermont Board, in general, into his documentation practices and then into his work with unrelated addiction medicine practices. Dr. Severinghaus explained that the investigation went on for more than three years and ultimately resulted in a stipulation and Consent Order. He went on to say that the Consent Order had five components of the sanctions that it required. He indicated all of the conditions were of great concern to him, but his only alternative to agreeing to the negotiated settlement was to go ahead with a very extensive and extremely expensive legal battle, which he certainly could not afford, and would have taken a lot of time and energy from his later in life career and had an uncertain outcome.

Dr. Severinghaus testified that there are several reasons why he would respectfully submit that no additional action is necessary; he has no current active New Hampshire practice; adding the same conditions to his New Hampshire license that were imposed on his Vermont license would deepen the humiliation he's already feeling and also cost him money he does not have to spare; a reprimand in New Hampshire would limit the willingness of New Hampshire entities to use his services; the monitoring arrangement is already up and running and it does not make any real sense to have another monitoring arrangement running simultaneously; he does not possess a New Hampshire DEA license and, due to the present situation, he does not know whether the DEA would even grant him Schedule II authorization if he were to reapply in New Hampshire; and he will be undertaking the CME requirement within the next couple of months, depending on how the current situation with travel restrictions and live conferences evolves.

Dr. Severinghaus has agreed to share the monitoring reports with the New Hampshire Board.

Dr. Severinghaus expressed to the Board that this whole experience has been the darkest and most jarring experience of his career. He is trying to learn from this experience and take whatever lessons he can from it. He informed the Board of the following: his documentation practice has improved dramatically even since the temporary agreement back in March of 2019, specifically now practicing entirely in a situation with electronic medical records which makes it a lot easier to record even the most repetitive item in terms of medication and particular treatment plans; he's been more vigilant about ensuring his patients have coverage when he might not be available; and he's proud of

the care he's provided to patients for quite a few years and continues to believe he can offer valuable services.

The presiding officer admitted Respondent's Exhibits A through E into evidence. The presiding officer closed the hearing at 1:57 P.M.

### **Disciplinary Sanctions**

The issue before the Board is whether Dr. Severinghaus should be subject to disciplinary sanctions similar to those imposed by the Vermont Board pursuant to RSA 329:17-c.

After hearing testimony from Dr. Severinghaus and reviewing Respondent's Exhibits, **the Board voted not to impose reciprocal discipline against Dr. Severinghaus.**

THEREFORE, IT IS ORDERED that the Board votes not to impose reciprocal discipline against John M. Severinghaus, M.D.; and

IT IS FURTHER ORDERED that this Final Decision and Order shall become a permanent part of the Respondent's file, which is maintained by the Board as a public document; and

IT IS FURTHER ORDERED that this Final Decision and Order shall take effect as an Order of the Board on the date an authorized representative of the Board signs it.

BY ORDER OF THE BOARD

Dated: 10/26/2020

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