

**Before the  
New Hampshire Board of Medicine  
Concord, New Hampshire 03301**

In the Matter of:  
**Robert C. Vidaver, MD**  
**License No.: 13786**  
(Misconduct Allegations)

**VOLUNTARY SURRENDER OF LICENSE**

Recognizing that professional misconduct allegations are now pending against me before the New Hampshire Board of Medicine (“Board”), I, Robert C. Vidaver, hereby agree to a voluntary surrender of my New Hampshire license, number 13786, effective on the date that the Board accepts this offer of voluntary surrender.

By voluntarily surrendering my license, I understand that:

1. I relinquish all rights and privileges to practice medicine in the State of New Hampshire.
2. The Board had commenced an investigation pursuant to RSA 329:18, and a Notice of Hearing was issued by the Board on May 15, 2020. *See Attached.*
3. I admit that this *Voluntary Surrender of License* has occurred in settlement of the pending misconduct allegations outlined in the Notice of Hearing referenced in paragraph 2 of this *Voluntary Surrender of License*.
4. I admit to no violations of any State statutes, rules, or ethical provisions, but recognize that the fact of my *Voluntary Surrender of License* will be reported by the Board as a disciplinary action.

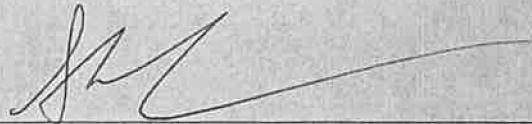
5. I understand that this *Voluntary Surrender of License* shall be distributed to all relevant licensing authorities and professional societies in the same manner as a final decision making specific finding of professional misconduct.
6. I understand that this *Voluntary Surrender of License* shall become a permanent part of my file, and will be maintained by the Board as a public document.
7. I understand that should I again seek licensure by this Board, I must meet, and shall bear the burden of proving compliance with, all of the standards and prerequisites then required by the Board for new applicants, including all professional character requirements.
8. I further understand that the pending misconduct allegations shall be addressed and resolved in a Show Cause Hearing before the Board prior to submitting any future licensure application to the Board and that such allegations may form the basis for the Board to deny any such application. I therefore specifically waive any statute of limitations or laches defense, which might then be available as to these misconduct allegations, including, but not limited to, those contained in RSA 332-G:8 and 9. I further waive any issues of a speedy hearing or spoliation of evidence.
9. I voluntarily submit this *Voluntary Surrender of License* to the Board and state that no promises or representations have been made to me other than those terms and conditions expressly stated herein.

10. I have had the opportunity to seek and obtain the advice of an attorney of my choosing in connection with my decision to sign this *Voluntary Surrender of License*.

11. I am not under the influence of any substance that would impair my judgment at the time I sign this *Voluntary Surrender of License*.

IN WITNESS WHEREOF, I hereby affix my signature on this 14<sup>th</sup> day of September, 2020.

\_\_\_\_\_  
Robert C. Vidaver, MD



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Alexander W. Campbell, Esquire,  
Counsel for Robert C. Vidaver, MD

ACCEPTED BY THE NEW HAMPSHIRE BOARD OF MEDICINE on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or Type Name)  
Authorized Representative of the  
New Hampshire Board of Medicine

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IN WITNESS WHEREOF, I hereby affix my signature on this 14<sup>th</sup> day of Sept., 2020.

Robert C. Vidaver, MD  
Robert C. Vidaver, MD

Alexander W. Campbell, Esquire,  
Counsel for Robert C. Vidaver, MD

ACCEPTED BY THE NEW HAMPSHIRE BOARD OF MEDICINE on this 14<sup>th</sup> day of October, 2020.

(Signature)

Perry Taylor

(Print or Type Name)

Authorized Representative of the  
New Hampshire Board of Medicine

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

In the Matter of:  
**Robert C. Vidaver, M.D.**  
**License No.: 13786**  
(Adjudicatory/Disciplinary Proceeding)

Docket No. 15-04

**AMENDED NOTICE OF HEARING**

1. The New Hampshire Board of Medicine ("Board") first granted a license to practice medicine in the State of New Hampshire to Robert C. Vidaver, M.D. ("Respondent") on December 5, 2007. Respondent holds license number 13786. Respondent is a psychiatrist.

2. On or about May 6, 2015, the Board received a complaint from Respondent's employer, Harbor Care Health and Wellness Center ("Harbor Care") in Nashua. It was alleged that in March of 2015, Respondent wrote himself a prescription for diazepam using the prescription pad of a colleague who was an advanced practice registered nurse ("APRN"). It was further alleged that Respondent presented that prescription, bearing a false signature purporting to be that of the APRN, to a pharmacy in Henniker.

3. Additionally, on October 19, 2018, Respondent submitted a letter to the Board disclosing that he failed to report to the Board a misdemeanor conviction for simple assault within thirty days of the date of the conviction.

4. The Board commenced an investigation to determine whether Respondent committed professional misconduct pursuant to RSA 329:17, VI and RSA 329:18.

5. Based upon the information gathered during the investigation as outlined herein, the Board finds that there is a reasonable basis for commencing an

adjudicatory/disciplinary proceeding against Respondent pursuant to RSA 329:17, I, RSA 329:18-a, and Medical Administrative Rule ("Med") 206.

6. In support of this *Notice of Hearing*, the Board alleges the following facts:
  - A. In March of 2015, Respondent was a physician licensed by the Board and employed by Harbor Care as a psychiatrist.
  - B. Joanne Pomeranz ("Pomeranz") is an APRN employed by Harbor Care. In the course of her duties at Harbor Care, she prescribed controlled drugs under the authority of her APRN license.
  - C. Pomeranz was a professional colleague of Respondent, but did not have a provider-patient relationship with him.
  - D. By his own admission, Respondent wrote a prescription for himself for diazepam using Pomeranz's prescription pad. He denies that he signed her name.
  - E. On or about March 10, 2015, Respondent presented the prescription to a pharmacy in Henniker and obtained a quantity of diazepam using that prescription.
  - F. On or about April 29, 2015, Pomeranz discovered that a prescription for the controlled drug diazepam had been presented using her prescription pad and authorized by a signature purporting to be hers. Pomeranz reported that she was unaware of the prescription and she did not write or sign it.

- G. Respondent subsequently was charged criminally, and on April 6, 2018, he pleaded guilty in Merrimack County Superior Court to Possession of a Controlled Drug in violation of RSA 318:42.
- H. As a result of an unrelated incident, Respondent pleaded no contest in August 22, 2017 in the Sixth Circuit Court – Hillsborough District Division to a charge of simple assault in violation of RSA 631:2-a. Simple Assault is a misdemeanor.
- I. On October 19, 2018, Respondent submitted a letter to the Board disclosing the misdemeanor conviction. Respondent's disclosure was more than thirty days after the date of the conviction.

7. The specific issues to be determined at the adjudicatory/disciplinary proceeding include, but are not limited to the following:

- A. Whether on or about March 10, 2015, Respondent engaged in professional misconduct by obtaining a controlled substance without a valid prescription, said conduct constituting dishonest or unprofessional conduct in violation of RSA 329:17, VI (d); and/or
- B. Whether between March 5, 2015 and March 10, 2015, Respondent engaged in professional misconduct by obtaining, or attempting to obtain, a prescription for controlled substance without a valid patient relationship, in violation of RSA 329:17, VI (l); and/or

- C. Whether between August 22, 2017 and September 21, 2017, Respondent failed to notify the Board of a misdemeanor conviction within thirty days of disposition in violation of Board Administrative Rule (Med) 403.03, and constituting unprofessional conduct under RSA 329:17, VI (d); and/or
- D. If any of the above allegations are proven, whether and to what extent Respondent should be subjected to one or more of the disciplinary sanctions authorized by RSA 329:17, VII.

THEREFORE, IT IS ORDERED that an adjudicatory/disciplinary proceeding be commenced for the purpose of resolving the issues articulated above pursuant to RSA 329:18-a, Med 206. To the extent that the Board's rules do not address an issue of policy or procedures, the Board shall apply the N.H. Department of Justice Rules, Part 800; and,

IT IS FURTHER ORDERED that information gathered during the investigation and information set forth in the Report of Investigation shall remain confidential and exempt from public disclosure, unless specifically referred to in this Notice of Hearing, unless and until such time as an adjudicatory hearing commences, at which time such information may become evidence in or the subject of the adjudicatory hearing.

IT IS FURTHER ORDERED that Respondent shall appear before the Board on October 7, 2020 at 1:00 p.m., at the Board's office located at 121 South Fruit Street, Concord, N.H., to participate in this adjudicatory/disciplinary proceeding and, if deemed appropriate, be subject to sanctions pursuant to RSA 329:17, VII, and



IT IS FURTHER ORDERED that if Respondent elects to be represented by counsel, at Respondent's own expense, counsel shall file a notice of appearance at the earliest date possible; and,

IT IS FURTHER ORDERED that Respondent's failure to appear at the time and place specified above may result in the hearing being held *in absentia* and disciplinary sanctions may be imposed without further notice or an opportunity to be heard; and,

IT IS FURTHER ORDERED that Matthew Mavrogeorge, Esq. and John F. Brown, Esq., 33 Capitol Street, Concord, N.H., 03301, are appointed to act as Hearing Counsel in this matter with all the authority within the scope of RSA Chapter 329 to represent the public interest. Hearing Counsel shall have the status of a party to this proceeding; and,

IT IS FURTHER ORDERED that Gilbert Fanciullo, M.D., Board Member, or any other person whom the Board may designate, shall act as presiding officer in this proceeding; and,

IT IS FURTHER ORDERED that any proposed exhibits, motions or other documents the parties intend to become part of the record in this proceeding, be filed by the proponent with the Board, in the form of an original and eleven (11) copies, and with an additional copy mailed to any party to the proceeding, and to Laura Lombardi, Esq., Counsel to the Board, N.H. Department of Justice, 33 Capitol Street, Concord, New Hampshire 03301. All responses or objections to such motions or other documents are to be filed in similar fashion within ten (10) days of receipt of such motion or other document unless otherwise ordered by the Board; and,

IT IS FURTHER ORDERED that a witness list and any proposed exhibits shall be pre-marked for identification only and filed with the Board no later than seven (7) days before the date of the hearing. Respondent shall pre-mark his exhibits with capital letters, and Hearing Counsel shall pre-mark his exhibits with Arabic numerals; and,

IT IS FURTHER ORDERED that unless good cause exists, all motions shall be filed at least seven (7) days before the date of any hearing, conference, event or deadline which would be affected by the requested relief, except any motion seeking to postpone a hearing or conference, which shall be filed at least ten (10) days before the hearing or conference in question; and,

IT IS FURTHER ORDERED that the entirety of all oral proceedings be recorded verbatim by the Board. Upon the request of any party made at least ten (10) days prior to the proceeding or conference or upon the Board's own initiative, a shorthand court reporter shall be provided at the hearing or conference and such record shall be transcribed by the Board if the requesting party or agency shall pay all reasonable costs for such transcription; and,

IT IS FURTHER ORDERED that all documents shall be filed with the Board by mailing or delivering them to Penny Taylor, Administrator, N.H. Board of Medicine, 121 South Fruit Street, Concord, New Hampshire 03301; and,

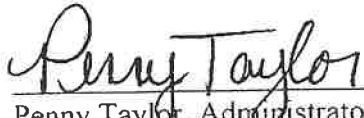
IT IS FURTHER ORDERED that routine procedural inquiries may be made by contacting Penny Taylor, Administrator, N.H. Board of Medicine, 121 South Fruit Street, Concord, New Hampshire 03301, (603) 271-1205, but that all other communications with

the Board shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Board's regulations; and,

IT IS FURTHER ORDERED that a copy of this hearing notice shall be served upon Respondent by certified mail addressed to the address he supplied to the Board in his latest renewal application, as well as to Respondent's attorneys, Cinde Warmington, Esq. and Alexander Campbell, Esq. See, RSA 329:18, VI, Med. 501.02 (a) and RSA 329:16-f. A copy shall also be delivered to Hearing Counsel.

BY ORDER OF THE BOARD

Dated: May 15, 2020

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