

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

In The Matter Of:

Jeffrey Haines, M.D.

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of medicine, the New Hampshire Board of Medicine (“the Board”) and Jeffrey Haines, M.D. (“Dr. Haines” or “the Respondent”), a physician licensed by the Board, agree to settle certain allegations of professional misconduct now pending before the Board in accordance with the following terms and conditions:

1. The Board has cause to institute a disciplinary proceeding against the Respondent pursuant to RSA 329:17, II and RSA 329:18-a.

2. If a disciplinary proceeding were commenced, the allegations against the Respondent would be that he acted unprofessional and in violation of RSA 329:17,VI (d) by the following conduct:

A. On or between the dates of March through April 1996, the Respondent treated patient T. L. in his capacity as a psychiatrist at the New Hampshire State Hospital. Patient T. L. was hospitalized at the New Hampshire State Hospital on an involuntary basis on December 29, 1995 and was diagnosed as suffering from bipolar disorder, manic in partial remission, delusional, exhibiting grandiosity and severe psychosocial stressors. During the Respondent’s treatment of patient T. L., he described T. L. as “experiencing some consciousness expanding or spiritual awakening.”

B. In April 1996 Patient T.L. was discharged from the hospital. He eventually returned to Alaska, where he was employed as a fisherman. During the Summer of 1996, Respondent received a phone call from Patient T. L.

During the phone call, Patient T.L. informed Respondent that he was no longer taking the required medications for his mental illness. Respondent told him that he sounded as if he were beginning to relapse. Respondent suggested that he seek medical assistance to include returning to the care of Respondent. Patient T. L. indicated that he would not return to New Hampshire and that he would not re-start the medications.

C. Later in 1996, Patient T. L. returned to the New Hampshire State Hospital on an Involuntary Emergency Admission. Patient T. L. was again diagnosed as suffering from BI-polar illness, manic phase. Initially, Patient T.L. refused to take his medication. He also threatened to sue if he was not allowed to meet with Respondent. Patient T. L. was allowed to meet with Respondent and was advised by Respondent to resume taking his medication in order to recover and return home. Respondent did not see Patient T.L. again until the day he was discharged. Respondent was not the treating psychiatrist for Patient T.L. during the second hospitalization described herein.

D. On the date of Patient T.L.'s discharge, the Respondent provided patient T. L. with personal journal entries of Respondent describing his personal beliefs on spirituality as well as his belief in and experiences with a higher level of consciousness.

E. On the date of Patient T.L.'s discharge, Respondent provided patient T. L. with a homemade tape recording of Respondent playing the guitar and singing lyrics written by Respondent.

F. While engaging in the activity as described in Paragraphs A through E, Respondent violated the provisions of RSA 329:17, VI (d) in that he engaged in unprofessional conduct. The allegation of unprofessional misconduct is based upon the assertion that Respondent violated the boundaries of the doctor/patient relationship.

3. The Respondent admits the allegations presented in the paragraphs above.

4. RSA 329:18-a, III, authorizes the Board to settle allegations of professional misconduct without commencing or completing a disciplinary hearing.

5. The Respondent consents to the following disciplinary action by the Board:

A. The Respondent is hereby REPRIMANDED;

- B. Respondent's licensed to practice medicine is hereby restricted for a period of three (3) years, effective July 1, 2000. The restriction shall prohibit Respondent from engaging in direct patient care, including prescribing medications and conducting individual psychotherapy.
- C. Respondent must continue to meaningfully participate in ongoing psychiatric care;
- D. Respondent must provide the Board with a recommendation from his treating psychiatrist and that indicates that Respondent is currently qualified and mentally capable to engage in the practice of psychiatry and that any disease Respondent is suffering under will not interfere with Respondent's practice of psychiatry. Additionally, Respondent must provide a similar recommendation from a psychiatrist approved by the Board. Respondent must provide such information to the Board during the last three (3) months of his restricted license.
- E. Respondent agrees that the restriction on his license to practice medicine, as outlined above, will continue until such time as the Board receives the required information;
- F. The Respondent shall furnish a copy of the Settlement Agreement to any medical employer, any state licensing, certifying or credentialing authority to which he may apply for employment and/or privileges or to any current employer or credentialing authority. This must be complied with within thirty (30) days of the effective date of this agreement and continue for a period of twenty-four (24) months.
- G. The Respondent's breach of any of the conditions of this Agreement shall be a separate basis for disciplinary action by the Board; and
- H. Except as provided in paragraph G, this Agreement shall bar the commencement of further disciplinary action by the Board based upon the misconduct allegations described herein; provided, however, that the Board may take any appropriate action to enforce the terms of this Agreement, may consider the misconduct described above as evidence of a pattern of conduct in the event that similar misconduct allegations are brought against the Respondent in the future; and may consider the fact that discipline was imposed by this Agreement as a factor in determining appropriate discipline should any further

misconduct allegations be proven against the Respondent in the future.

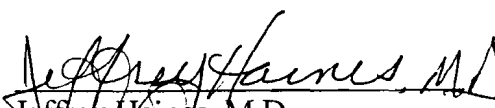
The Respondent voluntarily signs this Settlement Agreement and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.

This Agreement shall take effect on the date it is signed by a Representative of the Board.

FOR THE RESPONDENT

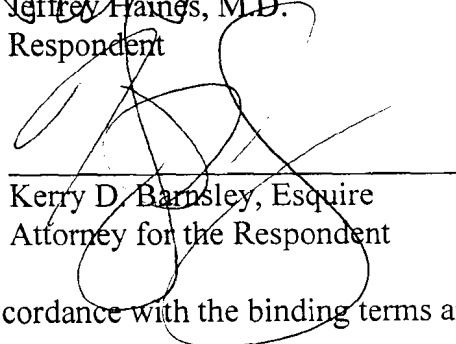
I, Jeffrey Haines, M.D., have reviewed the foregoing Settlement Agreement resolving allegations of professional misconduct pending against me, and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof and agree to all of the terms of this Settlement Agreement. Further, I knowingly and freely waive my right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations, which have been settled by the terms of this Settlement Agreement.

Date: 3/27/01



Jeffrey Haines, M.D.
Respondent

Date: 3/27/01

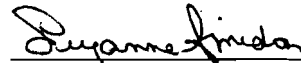


Kerry D. Barnsley, Esquire
Attorney for the Respondent

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

BY ORDER OF THE BOARD/*

Date: 4/9/01



Authorized Representative of the
N.H. Board of Medicine

/* Dr. Cynthia Cooper, Board member, not participating.
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Jean Barnes recused.