

EXHIBIT B

Executive Grant of Clemency

WILLIAM J. CLINTON

President of the United States of America

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

BE IT KNOWN, THAT THIS DAY THE PRESIDENT HAS GRANTED UNTO

NICHOLAS C. TENAGLIA

A FULL AND UNCONDITIONAL PARDON

FOR HIS CONVICTION in the United States District Court for the Eastern District of Pennsylvania on an information (Doc. No. 84-00077) for a violation of Section 1395nn(b)(1)(B), Title 42, United States Code, for which he was sentenced on May twenty-ninth, 1985, to three years' probation, a \$5,000 fine, and \$6,053 restitution (as reduced).

THE PRESIDENT HAS DESIGNATED, directed and empowered the Pardon Attorney as his representative to sign this grant of executive clemency.

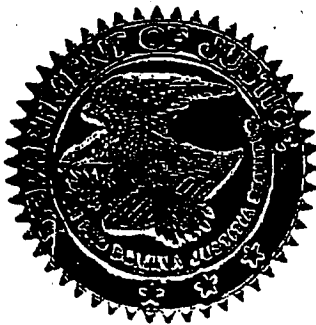
In accordance with these instructions and authority I have signed my name and caused the seal of the Department of Justice to be affixed hereto and affirm that this action is the act of the President being performed at his direction.

Done at the City of Washington, District of Columbia, on January 20, 2001.

BY DIRECTION OF THE PRESIDENT

Roger C. Adams

PARDON ATTORNEY



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JOHN C. S. KEPNER, OF COUNSEL

March 12, 2007

¹ ALSO MEMBER IL BAR
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VIA CERTIFIED MAIL
Return Receipt Requested

Gerald Smith, Esquire
Senior Counsel in Charge
Pennsylvania State Board of Medicine
Department of State
P.O. Box 2649
Harrisburg, PA 17105-2649

File NO
84-ME-999

Re: Nicholas Charles Tenaglia, M.D.
Pennsylvania Medical License No.: MD008185E
Presidential Pardon of William J. Clinton

Dear Mr. Smith:

I write in follow-up to your correspondence of February 16, 2007 and our recent telephone conversation regarding the annotation of Dr. Tenaglia's State Board of Medicine disciplinary record. It is quite disappointing that the Board's website capabilities do not allow for an annotation of the presidential pardon to be made directly on the site and that the only recourse available to Dr. Tenaglia is to have the presidential pardon placed in the Board's paper record.

However, in light of that, Dr. Tenaglia makes the following formal request so that persons who inquire about Dr. Tenaglia's licensure record are made aware of the grant of the pardon;

- 1) An annotation or remark be placed in the record which instructs the Board Administrator or prothonotary office to contact your office regarding the grant of the pardon before release of the record;
- 2) A copy of the pardon be placed in the records available to the public through the Board's Administrator or prothonotary office; and

- 3) A copy of the pardon be placed in the permanent archived records which relate to the underlying licensure proceedings.

For your convenience, I enclose a copy of the pardon.

Thank you for your assistance in this matter.

Sincerely,

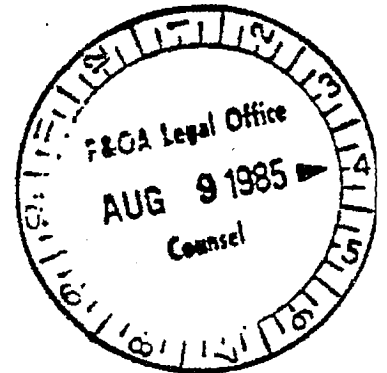
A handwritten signature in cursive script that reads "Renee H. Martin". The signature is written in black ink and is positioned above the printed name.

Renee H. Martin

Enclosure

cc: Nicholas C. Tenaglia, M.D. (w/o enclosure)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS



BEFORE THE HEARING EXAMINER FOR THE
STATE BOARD OF MEDICAL EDUCATION AND LICENSURE
FILE NO. 84-ME-999

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE
LICENSE TO PRACTICE MEDICINE

MD-008185-E

ISSUED TO

NICHOLAS C. TENAGLIA, M.D.

ADJUDICATION AND ORDER

NORMAN M. YOFFE, ESQUIRE
Hearing Examiner

BARBARA K. SHORE, M.D., Chairperson
State Board of Medical Education and
Licensure

RICHARD ANDERSON, Commissioner
Professional and Occupational Affairs

HEARING DATE: June 26, 1985
Harrisburg, Pennsylvania

HISTORY

This case comes before the Hearing Examiner for the State Board of Medical Education and Licensure (Board) on its Administrative Complaint and Rule issued to Nicholas C. Tenaglia, M.D. (Respondent), for violations of the Medical Practice Act of July 20, 1974, P.L. 551, as amended, 63 P.S. §421.15(a)(3) and (8) (Act) and for violations of the Rules and Regulations of the State Board of Medical Education and Licensure, 49 Pa. Code §17.251(a)(4) (Regulations). The Administrative Complaint, Show Cause Order and Notice of Hearing were issued and served upon Respondent, in accordance with the Administrative Agency Law of April 28, 1978, P.L. 202, No. 53, 2 Pa. C.S. §501 et seq. Respondent filed no Answer to the Administrative Complaint and Show Cause Order.

A formal hearing before the Hearing Examiner was held on June 26, 1985 in the Transportation and Safety Building, State Capital, Harrisburg, Pennsylvania, at which time and place full opportunity was given to all parties to be heard, to examine and cross-examine witnesses and to argue their case.

Joseph E. Hagan, Esquire, appeared at the hearing as the prosecuting attorney for the Board. Respondent appeared at the hearing together with his counsel, Alan J. Hoffman, Esquire and Edmunds J. Brokans, Esquire.

After due consideration of all of the evidence, we make the following:

FINDINGS OF FACT

1. Respondent holds Pennsylvania Medical License No. MD-008185-E.
2. Respondent was properly served with a copy of the instant Administrative Complaint and Rule to Show Cause. (See Hearing Examiner's Exh. 1A and 1B and Comm. Exh. 1).

3. On February 28, 1984, Respondent pleaded guilty, in the U.S. District Court for the Eastern District of Pennsylvania, to violating 42 U.S.C. §1395nn(b)(1)(B), a felony (N.T.8), said proceedings being docketed to Criminal Action 84-77 in said Court. (See ¶5 of Comm. Exh. 1 and N.T.5, 6).

4. The gravamen of the aforesaid offense was that Respondent knowingly and willfully solicited and received payments of approximately \$15,000.00 for placing a food service contract for his employer with a certain supplier, from whom Respondent received a "kickback". (See ¶4 of Comm. Exh. 1 and N.T.6, 44).

5. The guilty plea as aforesaid was pursuant to the terms of a plea agreement. (See Comm. Exh. 2).

6. On May 29, 1985, Respondent was sentenced by the aforesaid Federal Court to a probationary term of three years and a fine of \$5,000.00. Respondent was also ordered to make restitution in the sum of \$15,000.00 and to perform 500 hours of community service at a designated health facility. (See Comm. Exh. 3).

7. Respondent's dereliction became part of a general investigation into the affairs of Eugenia and Horizon Hospitals by the federal authorities, including purported irregularities therein occurring. In that investigation, Respondent fully cooperated with the federal prosecutor not only with respect to his resulting guilty plea but also in becoming a witness against other defendants. (See also Respondent's Exh. 6 and N.T.22, 23, 24, 25, 40, 41, 42).

8. The federal case against Respondent was tenuous at best and his plea agreement genuinely relieved the prosecutor of the uncertainty of result. (See Respondent's Exh. 6, p. 22 and N.T.26, 27).

9. Respondent's aid and assistance in the investigation of the other hospital officials who were prosecuted was invaluable to those prosecutions, and eventually resulted in guilty pleas after partial trials. (See Respondent's Exh. 6, pp. 22, 23, 24 and N.T.22, 23, 24, 25).

10. Respondent has been an effective medical practitioner, both with respect to patient care as well as hospital and clinical administration. (N.T.30, 32, 33, 40).

11. Respondent's cooperation with the federal authorities as aforesaid, was accomplished with considerable harassment to himself, caused by the persons against whom he was a witness. (See Respondent's Exh. 1, pp. 20, 21, 31 and N.T.51).

12. Respondent has performed charity work at the Northwest Center even prior to his guilty plea in an apparent attempt to mitigate the onus of his illicit act. (See Comm. Exh. 3, Respondent's Exh. 2, 3, 4, 5 and N.T.54).

13. The restitution of \$15,000.00 as well as the \$5,000.00 fine, which were parts of the federal sentence, have been fully paid. (N.T.58).

14. Respondent is continuing his community service work at the Northwest Center in compliance with the federal sentence. (N.T.58).

15. Respondent's professional life has heretofore been free of disciplinary actions. (N.T.59).

DISCUSSION

Section 421.15 of the Act provides as follows:

"(a) The board shall have authority to refuse, revoke or suspend the license of a physician for any or all of the following reasons:

...

(3) Being convicted of a felony in the courts of this Commonwealth or any other state, territory or country. Conviction as used in this paragraph shall include a finding or verdict of guilt, an admission of guilt or a plea of nolo contendere.

...

(8) Being guilty of immoral or unprofessional conduct. Unprofessional conduct shall include any departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, in which proceeding actual injury to a patient need not be established."

Section 17.251 of the Regulations provide:

"(a) . . . The term unprofessional conduct shall include, but is not limited to, the following:

. . .

(4) Conviction of a felony, defined as such under the laws of this Commonwealth, or under the laws of any other state, territory, or country.

The federal felony conviction of Respondent on February 28, 1984 fully substantiates the charges of the Administrative Complaint, as to both counts thereof.

CONCLUSIONS OF LAW

1. The matter is properly before the Board for adjudication.
2. By virtue of the February 28, 1984 federal felony conviction of Respondent of 42 U.S.C. 1395nn (b)(1)(B), in the U.S. District Court for the Eastern District of Pennsylvania (docketed therein to Criminal Action 84-77), he has violated §421.15(a)(3) and (8) of the Act and §17.251(a)(4) of the Regulations, and is thus subject to discipline by the instant Board, including revocation or suspension of his Pennsylvania medical license.

ORDER

AND NOW, this 9th day of August, 1985, after a hearing in this case and after full consideration of all of the evidence and legal issues involved, it is ordered that the medical license number MD-008185-E of Respondent, Nicholas C. Tenaglia, M.D., be and hereby is suspended for a period of three years, effective

this date. It is further ordered that the aforesaid suspension shall be stayed in favor of an immediate probation of the same three year period, during which Respondent shall fully comply with the following terms and conditions:

1. Obey all Laws

Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in this Commonwealth.

2. Quarterly Reports

Respondent shall submit quarterly declarations on forms provided by the Law Enforcement Division to the Law Enforcement Division, Bureau of Professional and Occupational Affairs, P.O. Box 2649, Transportation and Safety Building, Harrisburg, PA 17105-2649, stating whether there has been compliance with all the conditions of probation.

3. Monitoring Program

Respondent shall comply with the Law Enforcement Division's probation monitoring program.

4. Respondent must inform all states and territories of the United States, in which he holds an active or inactive license in any health-care profession, of this disciplinary action.

5. Violations of Probation

If Respondent violates the conditions of probation, in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may set aside the suspension of license stay order and impose the suspension of the Respondent's license.

6. Completion of Probation

Upon successful completion of probation, Respondent's license will be fully restored.

7. Interview with Medical Consultant or Board member or Board designee

Respondent shall appear in person for interviews with a Board designated medical consultant upon request at various intervals and with reasonable notice.

8. Notice of Change in Practice or Residence

During this period of probation, in the event the Respondent leaves the Commonwealth to reside someplace else, or in the event he begins to conduct the majority of his practice outside of the Commonwealth, he must notify the Board, in writing, within 15 days.

9. Suspension of Probationary Period While Majority of Practice Conducted Outside of Commonwealth

The time remaining in the period of probation will cease to run during any period in which the Respondent conducts the majority of his medical practice outside of the Commonwealth. During this time, if the Respondent conducts any portion of his medical practice in this Commonwealth, he must, nevertheless, continue to satisfy the conditions of probation. If and when the Respondent resumes the majority of his medical practice in the Commonwealth, the time remaining in the period of the probation shall run once again.

10. Voluntary Community Service

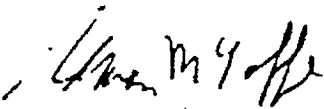
Respondent shall fully comply with the order of the U.S. District Court for the Eastern District of Pennsylvania (in the proceeding docketed to Criminal Action 84-77), with respect to his required community service work at the Northwest Center (or such other facility as designated by the federal authorities pursuant to Respondent's federal sentence).

Respondent shall be responsible for making arrangements with the aforesaid recipients of such services for the submission of quarterly reports to the Board.

11. Probation in the Criminal Case

Respondent shall obey and fulfill all the terms and conditions imposed in the probationary order and sentence as aforesaid. Any violation of said criminal probation shall be deemed a violation of the probation herein ordered.

STATE BOARD OF MEDICAL EDUCATION
AND LICENSURE



NORMAN M. YOFFE, ESQUIRE
Hearing Examiner

MAILED: 8.12.81