

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In re: James M. Cartwright, AA-C

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Docket No. MPC 161-1015

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont, by and through Attorney General Thomas J. Donovan, Jr., and alleges as follows:

1. James M. Cartwright, AA-C (“Respondent”) held Vermont certification number 135.0000035 originally issued by the Vermont Board of Medical Practice on February 4, 2015.
2. Jurisdiction in this matter rests with the Vermont Board of Medical Practice (“the Board”), pursuant to 26 V.S.A. §§ 1353-1357, 1658-1659 and 3 V.S.A. §§ 809-814, and other authority.

I. FACTUAL BACKGROUND

3. The Board opened this matter in October of 2015 after receiving an “Anesthesiologist Assistant Notification to the Board of Termination of Employment Contract” from Respondent’s supervising anesthesiologist notifying the Board that Respondent’s employment contract with Southwestern Vermont Medical Center had been terminated on October 2, 2015. The matter was assigned to the Central Investigative Committee of the Board (“the Committee”).
4. Respondent was certified as an anesthesiologist assistant by the Board from February 4, 2015 through October 2, 2015. During this time, he worked as an anesthesiologist assistant at the Southwestern Vermont Medical Center.

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5. The Board was informed that, on January 26, 2017, Respondent entered into a public Plea Agreement with the United States of America (“Plea Agreement”). In the Plea Agreement, Respondent entered a guilty plea to a charge of conspiracy to possess with the intent to distribute a quantity of a mixture and substance containing a detectable amount of acetyl fentanyl, a controlled substance analogue, in violation of 21 U.S.C. § 846.
6. Respondent was not yet certified as an anesthesiologist assistant by the Board during the time that he engaged in the criminal conduct that led to the criminal charges and Plea Agreement. Respondent was also no longer certified as an anesthesiologist assistant by the Board at the time that he entered into the Plea Agreement.
7. Paragraph 11 of the Plea Agreement sets forth facts that Respondent admitted to be true and able to be proven beyond a reasonable doubt. Included in these facts is a statement that, on December 22, 2014, federal and local enforcement agents entered and searched Respondent’s home. The facts in the plea agreement describing the December 22, 2014 search of Respondent’s home make it clear that Respondent knew that he was the subject of a criminal investigation at that time.
8. On January 3, 2015, Respondent submitted an Application for Certification as an Anesthesiologist Assistant to the Board. Question number 90 on said application states: “To your knowledge, are you currently the subject of a criminal investigation that has not yet resulted in charges against you? If yes, provide the jurisdiction, a description of the matter under investigation, and the date you

became aware of the investigation.” Respondent’s response to question number 90 was “no.”

9. In a federal indictment dated August 17, 2016, Respondent was charged with crimes associated with the search of his home that took place on December 22, 2014. The indictment was sealed, so he first learned of the charges on August 31, 2016, when he was arrested and arraigned in the United State District Court for the Middle District of Florida.

II. Unprofessional Conduct Statute

10. Fraud or misrepresentation in applying for or procuring an anesthesiologist assistant certificate constitutes unprofessional conduct. 26 V.S.A. § 1658(a)(1).

III. State’s Allegations of Unprofessional Conduct

11. Paragraphs 1 through 10, above, are restated and incorporated herein by reference.
12. Respondent’s response to question number 90 in his Application for Certification as an Anesthesiologist Assistant as described in paragraph 8 above was a misrepresentation. Paragraph 11 of his Plea Agreement establishes that he did know that he was a subject of a criminal investigation at the time that he completed and submitted his Application to the Board. Thus, Respondent engaged in misrepresentation in applying for and procuring an anesthesiologist assistant certification with the Board. Such actions constitute unprofessional conduct under 26 V.S.A. § 1658(a)(1).

WHEREFORE, Petitioner, State of Vermont, moves the Vermont Board of Medical Practice to take such disciplinary action against Respondent James M. Cartwright, AA-C permitted by 26 V.S.A. § 1361(b) as it deems proper.

Dated at Montpelier, Vermont this 1st day of February, 2018.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By:

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The foregoing Specification of Charges, filed by the State of Vermont, as to James M. Cartwright, AA-C, Vermont Board of Medical Practice docket number MPC 161-1015, are hereby issued.

Dated at Barre, VT Vermont this 2nd day of February 2018.

VERMONT BOARD OF MEDICAL PRACTICE

By:

Paul Burroughs
Secretary, Vermont Board of Medical Practice

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