

Department of Health

Board of Medical Practice
108 Cherry Street - PO Box 70
Burlington, VT 05402-0070
healthvermont.gov

[phone] 802-657-4220
[toll free] 800-745-7371
[fax] 802-657-4227

Agency of Human Services

July 19, 2012

Scott Reuben, M.D.
100 Brown Road
Woodstock, VT 05091

Re: Notice of Preliminary Denial of Licensure
Vermont Board of Medical Practice

Dear Dr. Reuben:

At its July 11, 2012 meeting, the Vermont Board of Medical Practice considered your application for a license to practice medicine in the State of Vermont. After reviewing your June 23, 2011 application and the various submissions received and considered, it was the decision of the Board to preliminarily deny your application for licensure. This decision is preliminary and is subject to review at your request. The procedure to initiate a review is set forth in the last paragraph of this letter.

Vermont law provides:

The Board may refuse to issue the licenses provided for in section 1391 of this title to persons who, by false or fraudulent representations, have obtained or sought to obtain practice in their profession, or by false or fraudulent representations of their profession, have obtained or sought to obtain money or any other thing of value, or who assume names other than their own, or for any other immoral, unprofessional, or dishonorable conduct. However, a certificate shall not be suspended, revoked, or refused until the holder or applicant is given a hearing before the board.
[...]

26 V.S.A. § 1398.

Specifically, the Board considered the following in its preliminary denial:

2009

- Baystate Medical Center undertook an internal investigation into your research in which it determined that "Dr. Reuben fabricated data reported in the referenced articles, and that all fabricated data were created under the sole



control of Dr. Reuben.” (February 20, 2009 letter from Anesthesia & Analgesia to its readers).

- Baystate Medical Center compiled a list of 21 manuscripts published in various journals from 1996 through 2008 that were to be retracted.
- On November 4, 2009, you entered into a non-disciplinary, temporary Voluntary Agreement Not to Practice Medicine in Massachusetts that was ratified by the Massachusetts Board on November 18, 2009.

2010

- In January 2010, you were charged in the United States District Court for the District of Massachusetts, Criminal No. 10 CR 30002-MAP, with Health Care Fraud pursuant to 18 U.S.C. § 1347.
- In June 2010, the United States District Court accepted your plea of guilty to one felony count of health care fraud, which is established by 18 U.S.C. § 1347 as: “Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice to defraud any health care benefit program; or to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health care benefit program, in connection with the delivery of or payment for health care benefits, items, or services.”
- In July 2010, you were sentenced to serve six months in prison and 36 months on supervised release with the first six months of the 36 months to be in-home detention with electronic monitoring, pay a \$5,000 fine, pay restitution in the amount of \$361,932 to pharmaceutical companies, and forfeit \$50,000.

2011

- In July 2011, you were excluded from participation in any capacity in the Medicare, Medicaid, and all Federal health care programs (Letter from Department of Health & Human Services, Office of Inspector General).
- In November 2011, the Director, Office of Enforcement, Office of Regulatory Affairs of the Federal Food, Drug, and Cosmetic Act found you were convicted of a felony under federal law for conduct relating to the regulation of a drug product under the Federal Food, Drug and Cosmetic Act and permanently debarred you from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the Federal Food, Drug, and Cosmetic Act. (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262).

2012

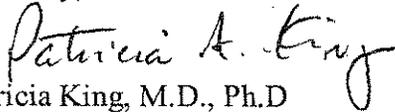
- On January 4, 2012, the State of New York, Department of Health, State Board for Professional Misconduct, filed a Statement of Charges alleging that you violated New York Education Law §6530(9)(a)(ii) by being convicted of an act constituting a crime under federal law. As a result of the Statement of Charges

being filed, the Commissioner of Health for the State of New York ordered that you not practice medicine in the State of New York or any other jurisdiction where that practice is predicated on a valid New York license to practice medicine.

- On April 24, 2012 the New York State Board for Professional Misconduct revoked your license in the State of New York. The Board's findings were that you were convicted of Health Care Fraud and that disciplinary action taken in another state constituted professional misconduct under the laws of New York.
- On January 6, 2012, the Inspector General of the United States Department of Health and Human Services, in Departmental Appeals Board Decision No. CR2481, sustained the decision to exclude you for five (5) years from participation in the Medicare, Medicaid, and all federal health care programs under section 1128(a)(3) of the Social Security Act
 - The basis for this decision pertained to your conviction of a "felony offense related to fraud, theft, embezzlement, breach of fiduciary responsibility or other financial misconduct in connection with the delivery of a healthcare item or service..."
- On February 12, 2012, the Board of Registration in Medicine for the Commonwealth of Massachusetts filed a Statement of Allegations in Adjudicatory Case No. 2012-006 alleging a violation for which a licensee may be disciplined by the Board.
- On June 20, 2012, the Board of Registration in Medicine revoked your right to renew your license in the State of Massachusetts as a result of your conviction for health care fraud.

You have the right to request a review of this preliminary decision by the Board to deny your application for licensure. If you want the Board to review its preliminary decision, you must make your request in writing within thirty (30) days of the date of this letter. Upon timely receipt of a written request, the Board will schedule a hearing at which you will have the burden of showing that you are qualified to be licensed. If you do not submit a written request for a hearing, this decision will become final upon passage of thirty (30) days from the date that this notice is mailed.

Sincerely,



Patricia King, M.D., Ph.D
Board Chairman