

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In Re:)
Kenneth James, M.D.) **MPS 56-0307**

This order responds to Dr. Kenneth James's Motion to Withdraw from his Temporary and Voluntary Cessation of Practice Agreement. The Motion was considered by the Board of Medical Practice (the Board) at its meeting on May 7, 2008, and based on the Following Findings of Fact and Conclusions of Law the Board issued the following Order.

Findings of Fact

1. Dr. Kenneth James was issued a limited temporary license by the Board on June 1, 2005. This license was conditioned on Dr. James' continuing employment with Fletcher Allen Health Care. Until March 12, 2007, Dr. James was employed by Fletcher Allen Hospital in the Psychiatric Residency Program at which time he resigned from his residency.

2. On June 8, 2007, Dr. James entered into a Temporary and Voluntary Cessation of Practice Agreement (the Agreement) with the State of Vermont by which he agreed to desist temporarily from any and all practice of medicine in the State of Vermont or elsewhere until a further order of the Board. Under the Agreement, he was specifically precluded from prescribing medication of any kind and from conducting therapeutic counseling.

3. On March 26, 2008, Dr. James filed a Motion to Withdraw from his Temporary and Voluntary Cessation of Practice Agreement with the Vermont Board of Medical Practice (the Motion).

4. The Motion made two requests:

a. that Dr. James be permitted to withdraw from his agreement to cease medical practice so that he can resume a residency program, and

b. that his license to practice medicine in Vermont be reinstated.

5. The State, represented by the Attorney-General's office, took no position on the motion.

Conclusions of Law and Decision

Despite its title, Dr. James's Motion to Withdraw from his Temporary and Voluntary Cessation of Practice Agreement actually requests two forms of relief. Although conflated in the Motion, the Board considered the requests as separate issues: (1) that he no longer be precluded by the Agreement from trying to seek a residency and (2) the reinstatement of his limited temporary license to practice in Vermont.

Currently, compliance with the terms of the Agreement prevents Dr. James from undertaking any kind of medical practice, not only in Vermont but also in any other jurisdiction. The Agreement prevents Dr. James from furthering his goal, as stated in the Motion, of seeking admission to another residency program. The Board agrees that Dr. James may recede from the temporary Agreement that he entered into voluntarily so that he will no longer be precluded from applying for permission to practice medicine in Vermont or any other jurisdiction.

The Board then considered Dr. James's request that his medical license be reinstated. The license that Dr. James surrendered to the Board in accordance with the Agreement was a limited temporary medical license, issued pursuant to 26 V.S.A. § 1391(e), which was conditioned on his employment with Fletcher Allen Hospital. Dr. James has provided no evidence that he currently meets the conditions of that license. Therefore, the Board has no basis to reinstate that license.

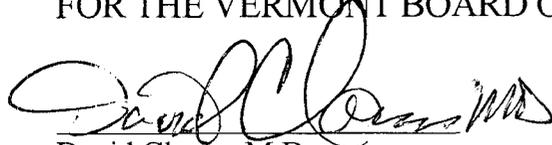
At such time as Dr. James can demonstrate compliance with the all conditions for a Vermont medical license, he may apply subject to the usual review and licensing requirements and procedures, as set out in 26 V.S.A. Chapter 23 and the Board's rules.

ORDER

The Motion to Withdraw from his Temporary and Voluntary Cessation of Practice Agreement filed by Kenneth James, M.D. is GRANTED IN PART and DENIED IN PART in accordance with the Conclusions of Law and Decision set out above:

1. Kenneth James, M.D. shall be allowed to withdraw from his Temporary and Voluntary Cessation of Practice Agreement.
2. Kenneth James, M.D.'s Vermont license to practice medicine shall not be reinstated until such time as an application is received and approved by Board of Medical Practice in accordance with the provisions of 26 V.S.A. Chapter 23.

FOR THE VERMONT BOARD OF MEDICAL PRACTICE



David Clauss, M.D.
Chair

DATED: 5/23/08

ENTERED & EFFECTIVE: 5/23/08

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In Re:)	
)	
Kenneth James, M.D.)	MPS 56-0307
)	
Respondent)	

ORDER

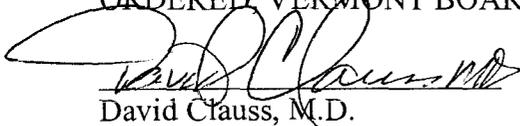
1. Dr. Kenneth James was issued a limited temporary license by the Board on June 1, 2005. Such license was conditioned on Dr. James' continuing employment with Fletcher Allen Health Care. Dr. James resigned from Fletcher Allen on March 12th 2007. On June 8th 2007, Dr. James entered into a Temporary and Voluntary Cessation of Practice Agreement with the State of Vermont.

2. On March 26, 2008, Dr. James filed a Motion to Withdraw from his Temporary and Voluntary Cessation of Practice Agreement with the Vermont Board of Medical Practice. The State did not take a position on the motion. Dr. James' motion also requested that his license be reinstated.

3. On May 7, 2008, the Vermont Board of Medical Practice ("Board") granted Dr. James' motion to withdraw from the Temporary and Voluntary Cessation of Practice Agreement. However, pursuant to 26 V.S.A. § 1391(e), the Board denied Dr. James' request that his limited temporary medical license be "reinstated". Dr. James' prior limited temporary license was conditioned on his employment with Fletcher Allen Hospital, and Dr. James is no longer employed at

the Fletcher Allen. Any Board action regarding application by Dr. James for medical licensure in the State of Vermont shall be subject to the Board's usual review and licensing procedures.

FOREGOING, AS TO Kenneth James, M.D., APPROVED AND ORDERED, VERMONT BOARD OF MEDICAL PRACTICE:



David Clauss, M.D.

Chair, Vermont Board of Medical Practice

DATED: 5/23/08

ENTERED & EFFECTIVE: 5/23/08