

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: Vernon S. Kellogg, M.D.)
)
)
) MPC 138-1007

INTERIM STIPULATION AND CONSENT ORDER

NOW COME Vernon S. Kellogg, M.D. (Respondent), and the State of Vermont, by and through Attorney General William H. Sorrell and undersigned Assistant Attorney General, James S. Arisman, and agree and stipulate as follows:

- 1. Vernon S. Kellogg, M.D., holds Vermont Medical License Number 042-0005250, issued by the Vermont Board of Medical Practice on March 20, 1974.
- 2. Respondent also holds medical licensure in the Commonwealth of Massachusetts (License No. 38932). Respondent practices emergency medicine at Athol Memorial Hospital, located in Athol, Massachusetts, and Henry Heywood Hospital, located in Gardner, Massachusetts. Respondent has indicated that he also sees at least some Vermont patients.
- 3. Jurisdiction vests with the Vermont Board of Medical Practice (Board) under 26 V.S.A. §§ 1353-55, 1365, 1366 & 1398 and 3 V.S.A. §§ 809 & 814(c).

I. Background.

4. On or about October 3, 2007, the Massachusetts Board of Registration in Medicine entered an Order of Temporary Suspension of Respondent's license to practice medicine in that jurisdiction, pursuant to 243 CMR 1.03(11)(a), having determined, based on a Statement of Allegations, that "the health, safety, and welfare of the public necessitates said suspension." (See Exhibit 1, attached.)

Office of the
ATTORNEY
GENERAL
19 State Street
Montpelier, VT
05609

5. The Massachusetts Board of Registration in Medicine alleged, *inter alia*, that Respondent had practiced in that jurisdiction without holding required malpractice insurance, had provided inaccurate information to the Board regarding such insurance coverage, as well as his specialty board certification, had improperly prescribed controlled substances, and failed to produce to the Board of Registration in Medicine patient medical records and receipts for purchases of controlled substances that has been sought by subpoena. (See Exhibit 2, attached.)

6. On advice of counsel, Respondent expects that he will not immediately seek hearing on the entry of the Order of Temporary Suspension. Respondent, however, expects to conduct his own investigation and discovery and, thereafter, to contest the allegations against him or otherwise to resolve these allegations with the Board of Registration in Medicine.

7. To date, Respondent has not entered his response to the allegations against him in Massachusetts. Respondent has retained counsel to advise and represent him in further proceedings before the Board of Registration in Medicine.

II. Vermont.

8. Respondent has communicated directly and through counsel with staff of the Vermont Board of Medical Practice and the undersigned Assistant Attorney General. Respondent wishes to cooperate with the Vermont Board while he is pursuing resolution of the matters presently before the Massachusetts Board of Registration in Medicine.

9. Respondent wishes to provide his full cooperation with the licensing, regulatory, and investigative responsibilities of the Vermont Board of Medical Practice. After consulting with counsel, Respondent has determined that he shall voluntarily enter

into this agreement with the Vermont Board of Medical Practice and shall abide by its terms until entry of a further order in this matter by the Vermont Board of Medical Practice.

10. While reserving all rights of due process and without offering any admission as to any of the matters alleged by the Massachusetts Board, Respondent has determined that he voluntarily shall agree to entry of an order of interim suspension of his Vermont medical license, pursuant to 26 V.S.A. §§ 1365 & 1366. Respondent takes this voluntary action pending final resolution of the pending matters in the Commonwealth of Massachusetts and to permit careful review of all facts and circumstances by the Vermont Board of Medical Practice.

11. Respondent understands and agrees that following entry by the Vermont Board of an order of interim suspension of his Vermont medical license, he may not practice medicine or prescribe in the State of Vermont while such order remains in effect.

12. Respondent agrees that this Interim Stipulation and Consent Order sets forth in writing the terms related to interim suspension of his Vermont medical license. Respondent agrees that he has had the opportunity to obtain and receive legal advice and counsel regarding this matter. Respondent is well-satisfied with all such legal advice and counsel that he has received in this matter.

13. Respondent agrees and understands that by executing this document he is waiving at this time such rights as he may possess to challenge the jurisdiction and continuing jurisdiction of the Board in this matter, and to a public hearing pursuant to 26 V.S.A. §§ 1365 & 1366; and 3 V.S.A. §§ 809 & 814. In sum, Respondent agrees and fully understands that he is executing this document in lieu of any proceedings, findings, and

order by the Board of Medical Practice that might otherwise be available to him at this time. In sum, Respondent voluntarily and knowingly agrees to the terms and conditions herein.

14. Respondent recognizes the responsibility of the Vermont Board of Medical Practice to investigate and carefully weigh the facts and circumstances related to the action taken against his medical license in the Commonwealth of Massachusetts. The parties have agreed to enter into the instant Interim Stipulation and Consent Order, which is intended to permit the Vermont Board of Medical Practice the time necessary to carry out its investigative and regulatory responsibilities.

15. For the purposes of this agreement, Respondent expressly agrees here that the Massachusetts Board of Registration in Medicine entered an Order of Temporary Suspension of his license to practice medicine on or about October 3, 2007. Respondent enters no further admission at this time.

III. Terms and Conditions.

16. It is agreed by the parties that Respondent shall cease and desist immediately, following this execution of this agreement, from any and all practice of medicine, including any and all prescribing, in the State of Vermont until further order of the Vermont Board in this matter. Respondent expressly reserves all rights of due process under 26 V.S.A. § 1365. However, the parties agree that no hearing under this provision shall proceed until the Vermont Board of Medical Practice has had reasonable opportunity to complete its investigation of the facts and circumstances related to the suspension of Respondent's Massachusetts medical license.

17. Respondent has read and carefully considered the terms and conditions herein and agrees to accept and be bound by these until such time as he is relieved of these or they are modified, in writing, by the Vermont Board of Medical Practice.

18. Respondent makes no further statement or admission here other than to assure his continued, full cooperation with the Board and its statutory responsibilities. Respondent acknowledges that no promises have been made to him regarding any final disposition of this matter by the Vermont Board of Medical Practice.

19. Respondent agrees, for purposes of cooperating with the Vermont Board of Medical Practice, that the Vermont Board may enter this Interim Stipulation and Consent. Respondent expressly agrees, pending further proceedings or order of the Board of Medical Practice to:

- (a) cooperate fully and in good faith with all further investigation of this matter by the Board of Medical Practice;
- (b) ~~cease and desist~~, effective immediately, and pursuant to this order of the Vermont Board of Medical Practice, from any and all practice of medicine in the State of Vermont, including prescribing, until further order of the Board;
- (c) not practice medicine in the State of Vermont or without the Board's formal written approval to do so; and
- (d) adhere to all terms and conditions set forth above and herein until relieved of such obligations by further order of the Board; Respondent may demand a prompt hearing on the merits of any allegations or charges that may be asserted by the State of Vermont, as provided below.

20. The parties agree that nothing contained herein shall limit Respondent's right to seek at a later date to move for termination of the interim suspension of his Vermont medical license, to demand a prompt hearing on such motion, to file other motions and pleadings, and present evidence as to the disposition of matters involving him

before the Massachusetts Board of Registration in Medicine, including entry of any final order terminating that Board's Order of Temporary Suspension of October 3, 2007 or entry of other order in this matter by that Board. Respondent expressly agrees that no promises have been made to him as to final disposition of any matter before the Vermont Board of Medical Practice.

21. The parties further agree that nothing contained herein shall limit the Board's authority to proceed in this matter, if deemed appropriate at a later date, pursuant to 26 V.S.A. §§ 1354, 1360, 1361, 1365, 1366 & 1398; 3 V.S.A. § 814(c); and other relevant authorities.

22. The parties agree that this Interim Stipulation and Consent Order shall be made part of Respondent's licensing file in Vermont and shall be reported to other licensing authorities. The parties agree that the Board may enter an order adopting and implementing this agreement, pending further proceedings or order of the Vermont Board.

23. This Interim Stipulation and Consent Order is conditioned upon its acceptance by the Vermont Board of Medical Practice. If the Vermont Board rejects any part of this document, the entire agreement shall be considered void. If approved by the Vermont Board, Respondent agrees to be bound by the terms and conditions of this agreement pending further proceedings or order of the Vermont Board of Medical Practice. Respondent agrees that the Vermont Board of Medical Practice shall retain jurisdiction to enforce the terms and conditions of this agreement until it is modified or he is relieved of its terms and conditions. Respondent agrees that any failure by him to abide by any of the terms and conditions of this agreement may constitute unprofessional conduct under 26

V.S.A. § 1354(25), could be considered in further proceedings before the Vermont Board, and could subject Respondent to such disciplinary action as the Board might deem appropriate, based upon the evidence presented at hearing.

24. The parties jointly agree that should the terms and conditions of this Cessation of Practice Agreement be deemed acceptable by the Board of Medical Practice, the Board may adopt and enter this agreement as an enforceable order as to Respondent's Vermont license to practice medicine, as described herein. Respondent further agrees that if the Vermont Board does not accept this agreement in its current form, he shall not assert in any subsequent proceeding any claim of prejudice from such prior consideration.

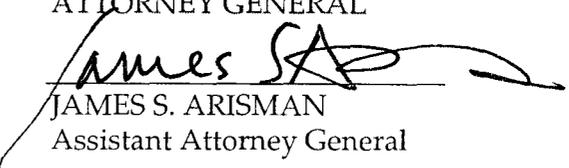
25. Respondent understands and the parties agree that this Interim Stipulation and Consent Order does not constitute a bar to other possible action by the Vermont Board at a later date with regard to Respondent's Vermont medical license. Respondent agrees that the Board of Medical Practice shall retain jurisdiction in this matter and may enforce as necessary the terms and conditions herein or cite this agreement as evidence in subsequent proceedings.

Dated at Montpelier, Vermont, this 30th day of October 2007.

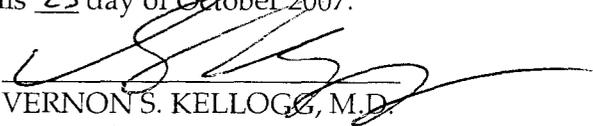
STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

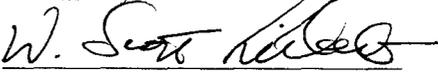
by:


JAMES S. ARISMAN
Assistant Attorney General

Dated at Pepperell, Mass., this 23 day of October 2007.

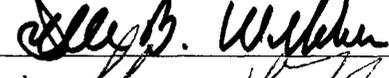
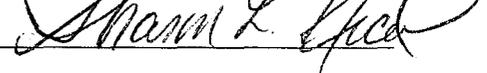
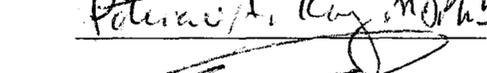

VERNON S. KELLOGG, M.D.
Respondent

Dated at Newton, Mass., this 26 day of October 2007.


W. SCOTT LIEBERT, ESQ.
Counsel for Respondent

* * *

FOREGOING, AS TO VERNON S. KELLOGG, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

	
	
	_____
	_____
	_____
	_____

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

DATED: 11/7/2007

ENTERED AND EFFECTIVE: 11/7/2007

KELLOGG: JSA/10/07; Not Effective Until Approved by BMP

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOARD OF REGISTRATION
IN MEDICINE

Adjudicatory Case No. 2007-044

In the Matter of _____

Vernon S. Kellogg, M.D. _____

ORDER OF TEMPORARY SUSPENSION

In accordance with the Rules of Procedure Governing Disciplinary Proceedings of the Board of Registration in Medicine, 243 CMR 1.03(11)(a), the Board of Registration in Medicine ("the Board") **ORDERS** that

The certificate of registration to practice medicine in the Commonwealth of Massachusetts of **Vernon S. Kellogg, M.D.**, Registration No. 38932, is **SUSPENDED** effective immediately. **Vernon S. Kellogg, M.D.** must cease the practice of medicine immediately, and he is directed to surrender his wallet card and wall certificate to the Board forthwith.

The Board has determined that, based upon the information set forth in the Motion for Summary Suspension, the health, safety, and welfare of the public necessitates said suspension.

The Respondent shall provide a copy of this Order of Suspension within twenty-four (24) hours to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; and the state licensing boards of all states in which he has any kind of license to practice medicine; Drug Enforcement Administration Boston Diversion Group and the Commonwealth of Massachusetts Department of Public Health Division of Food and Drug. The Respondent is further directed to certify to the Board within forty-eight (48) hours that he has complied with this directive.



Randy Wertheimer, M.D.
Board Member

Dated: October 3, 2007

sent certified mail 10/3/07 1:59

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOARD OF REGISTRATION
IN MEDICINE

Adjudicatory Case No. 2007-044

_____)
In the Matter of)
)
Vernon S. Kellogg, M.D.)
_____)

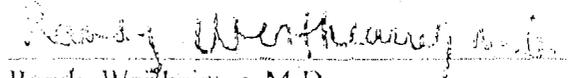
ORDER OF REFERENCE TO DIVISION OF
ADMINISTRATIVE LAW APPEALS

The Board hereby refers the above-captioned matter to the Division of Administrative Law Appeals for recommended Findings of Fact and necessary Conclusions of Law only.

The Board's Complaint Counsel, the Respondent and any intervenor shall file all papers, transcripts, exhibits or other record entries with both the Board of Registration in Medicine at 560 Harrison Avenue, G-4, Boston, Massachusetts 02118, and also with the Division of Administrative Law Appeals at 133 Portland Street, Third Floor, Boston, Massachusetts, 02114, in addition to service amongst the Complaint Counsel, the Respondent and any intervenor. Filings for review by the full Board, such as an interlocutory appeal or objections to a Recommended Decision, shall include eight copies addressed to the Executive Director and one copy to the General Counsel.

Upon the Complaint Counsel's receipt of any docket entry originating from an Administrative Magistrate, the Complaint Counsel shall file a copy of same with the Board.

Unless confidentiality is waived by the patient, a) nothing in the public record or docket shall contain patient-identifying information, and b) hearings shall be closed to the public during patient testimony, although transcripts without patient-identifying information are public. Motions to impound and to use pseudonyms, and rulings thereon, shall be filed and docketed under appropriate seal.



 Randy Wertheimer, M.D.
 Board Member

Dated: October 3, 2007

Sent certified mail 10/3/07 KJD

COMMONWEALTH OF MASSACHUSETTS

Suffolk, SS.

BOARD OF REGISTRATION IN MEDICINE

Adjudicatory Case No. 2007-044

In the Matter of)
)
)VERNON S. KELLOGG, M.D.)
)STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (the "Board") has reason to believe that in BORIM Docket No. 07-282, Vernon S. Kellogg, M.D. (the "Respondent") has: (1) violated General Laws c. 94C, which relates to the practice of medicine, and in thereby doing so has also violated the Board's regulations; (2) practiced medicine without professional malpractice liability insurance; (3) engaged in conduct that has the capacity to deceive or defraud; and (4) violated rules or regulations of the Board.

Biographical Information

1. The Respondent was born on November 23, 1946. He graduated from the University of Vermont College of Medicine in 1972. He has been licensed to practice medicine in Massachusetts under certificate number 38932 since 1975. The Respondent works as an Emergency Department (ED) physician at Athol Memorial Hospital (Athol) and Henry Heywood Hospital (Heywood) in Gardner.

Factual AllegationsPracticing without Malpractice Insurance and Related Licensing Fraud

2. The Respondent's credentialing files from Athol and Heywood, contained
3. The ProMutual Group New Business Declaration forms purporting to show coverage for the following time periods under ProMutual policy number 1-34740:

- a. September 30, 2004 to September 30, 2005
- b. September 30, 2005 to September 30, 2006
- c. September 30, 2006 to September 30, 2007

4. The producer of this policy was Heritage Insurance Agency, Inc.

5. The Respondent's policy has not been in effect September 30, 2004 and the Respondent has not had a policy either through ProMutual or Heritage Insurance Agency, Inc. since then.

6. The Respondent practiced medicine at Athol and Heywood without medical malpractice coverage from October 1, 2004 to the present.

7. The Respondent did so through artifice.

8. The Respondent had notice of intent to void renewal of his coverage for non-payment.

Licensing Fraud-Medical Malpractice Insurance

9. On item number 12 of his Physician Registration Renewal Application Form for 2005, the Respondent checked that his current medical malpractice insurance carrier is ProMutual Group and his policy dates were from "9/30/05" to "9/30/06."

Licensing Fraud-Board Certification

10. According to the American Board of Emergency Medicine, the Respondent was a diplomat from November 26, 1986 through December 31, 1995 under certificate number 00830180.

11. The Respondent is not currently board certified in emergency medicine

12. The Respondent has not been certified since 1995.

13. In his Physician Registration Renewal Application Form for 1997, the Respondent did not change his "Current American Board of Medical Specialties Certification" status (item number 7) to reflect that he was no longer board certified in Emergency Medicine.

14. In his Physician Registration Renewal Application Form for 1997, the Respondent did not change his "Current American Board of Medical Specialties Certification" status (item number 7) to reflect that he was no longer board certified in Emergency Medicine.

15. In his Physician Registration Renewal Application Form for 1999, the Respondent did not change his "Current American Board of Medical Specialties Certification" status (item number 7) to reflect that he was no longer board certified in Emergency Medicine.

16. In his Physician Registration Renewal Application Form for 2001, the Respondent did not change his "Current American Board of Medical Specialties Certification" status (item number 7) to reflect that he was no longer board certified in Emergency Medicine.

17. In his Physician Registration Renewal Application Form for 2003, the Respondent did not change his "Current American Board of Medical Specialties Certification" status (item number 7) to reflect that he was no longer board certified in Emergency Medicine.

18. On item number 6 of his Physician Registration Renewal Application for 2005, the Respondent checked "correct," indicating that he was, at the time, board certified in Emergency Medicine. The Respondent also reviewed his on-line profile and confirmed that the information is accurate.

Licensing Fraud-1990 DEA Investigation

19. A Drug Enforcement Administration (DEA) Diversion Investigator conducted an inspection of Controlled Premises at the Respondent's residence on or about November 30, 1990.

20. After the 1990 DEA inspection, the Respondent was supposed to return his DEA registration pursuant to an agreement with a DEA Diversion Investigator.

21. A DEA representative sent a letter to the Respondent, dated June 11, 1991, requesting that he return his DEA registration.

22. The DEA issued a new certificate.

23. The Respondent signed, under the penalties of perjury, his Full License Renewal Form for the 1991-1993 cycle on October 6, 1991, approximately four months after the DEA letter requesting the return of the Respondent's old DEA certificate of registration.

24. On Question 8 of the 1991-1993 Full License Renewal Form completed by the Respondent, the Respondent provided the new number issued after the DEA investigation.

25. Question 18 of the 1991-1993 Full License Renewal Form completed by the Respondent asks: "Has your privilege to possess, dispense or prescribe controlled substances been...surrendered, or have you been called before or been warned by this state or any other jurisdiction including a federal agency?" The Respondent answered "no" to Question 18.

Dispensing of Hydrocodone

26. In the Spring of 2007, DEA investigators conducted a computer check of the Automated Reports and Orders System (ARCOS).

27. According to data from ARCOS, revealed that the Respondent ordered approximately 4,500 tablets of hydrocodone bit 5 mg/acetaminophen 500 mg from General Injectables and Vaccines, Inc. between April 25, 2005 through April 25, 2007.

28. The hydrocodone tablets were being delivered to the Respondent's home address in Pepperell, Massachusetts.

29. The Respondent claims to have a medical practice at his residence.

30. The Respondent does not advertise his residence as a medical practice.

31. The Respondent does not have a sign outside of his property designating it as his medical practice.

32. The Respondent does not have office hours for his home-based medical practice.

33. The Respondent's office hours are whenever he is home.

34. The Respondent treats people whenever they show up at his front door with no appointment.

35. The Respondent has not had prescription pads for his home-based medical practice since approximately two years ago.

36. The Respondent produced dispensing logs for hydrocodone that did not contain either patient names or patient addresses.

37. The Respondent dispensed controlled substances in amounts or quantities exceeding that needed for immediate treatment

38. On July 17, 2007, DEA Diversion Investigators conducted a two year audit (July 17, 2005 through July 17, 2007) of the controlled substance hydrocodone bit 5 mg/acetaminophen 500 mg tablets purchased and dispensed by the Respondent.

39. On or about July 25, 2007, DEA sent a Letter of Admonition to the Respondent stating that his failure to maintain adequate records under the Code of Federal Regulations (CFR) also constituted a violation of 21 USC 827(a)(1), (3) and (b).

Failure to Produce Medical Records

40. On September 17, 2007, the Board issued a subpoena to the Respondent for production of several documents, including the Respondent's medical records and receipts for purchases of hydrocodone.

41. The Respondent refused to produce the medical records and receipts for purchases of hydrocodone.

Legal Basis for Proposed Relief

A. Pursuant to G.L. c. 112, § 5(e) and 243 C.M.R. 1.03(5)(a)3, the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician engaged in conduct that calls into question his competence to practice medicine, including but not

limited to gross misconduct in the practice of medicine, or practicing medicine fraudulently, or beyond its authorized scope, or with gross incompetence, or with gross negligence on a particular occasion or negligence on repeated occasions.

B. Pursuant to G.L. c. 112, § 5(b) and 243 C.M.R. 1.03(5)(a)2, the Board may discipline a physician upon proof satisfactory to a majority of the Board that the physician has committed an offense against the provisions of the laws of the Commonwealth relating to the practice of medicine or rule or regulation promulgated thereunder. General Laws c. 94C relates to the practice of medicine, including:

1. G.L. c. 94C, § 19(a), dispensing medications without a legitimate medical purpose and outside of the usual course of the physician's professional practice;
2. G.L. c. 94C, § 17(c), dispensing Schedule III controlled substances without a written or oral prescription;
3. G.L. c. 94C, § 9(a), possessing more controlled substances than required for the purpose of patient treatment;
4. G.L. c. 94C, § 9(b), dispensing controlled substances in amounts or quantities exceeding that needed for immediate treatment;
5. G.L. c. 94C, § 9(d), failure to keep and maintain records containing the names and quantities of Schedule III controlled substances received by such practitioner, including the name and address of the patient to whom such controlled substance is dispensed, the name, dosage and strength per dosage unit of such controlled substance and the date of such dispensing;
6. G.L. c. 94C, § 15, failure to comply with the federal record-keeping and inventory requirements set by the "Comprehensive Drug Prevention and Control Act of 1970";

C. Pursuant to G.L. c. 112, § 5(b) and 243 C.M.R. 1.03(5)(a)11, the Board may discipline a physician upon proof satisfactory to a majority of the Board that the physician has violated a rule or regulation of the Board.

1. Pursuant to 243 C.M.R. 2.07(5), a licensee who violates G.L. c. 94C also violates a rule or regulation of the Board.

2. Pursuant to 243 C.M.R. 2.07(12), a physician must make available to the Board any relevant and authorized records with respect to an inquiry or complaint about the licensee's professional conduct.

3. Pursuant to 243 C.M.R. 2.07(16), a physician must obtain professional malpractice liability insurance as a condition of rendering any direct or indirect patient care in the Commonwealth of Massachusetts.

D. Pursuant to 243 C.M.R. 1.03 (5)(a)10, the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has engaged in conduct that has the capacity to deceive or defraud.

E. Pursuant to 243 C.M.R. 1.03(5)(a)18, the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has committed misconduct in the practice of medicine.

F. Pursuant to *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979) and *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician lacks good moral character and has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

G. Pursuant to 243 C.M.R. 1.03(5)(a)16 the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has failed to respond to a subpoena or to furnish to the Board with information to which the Board is legally entitled.

H. Pursuant to G.L. c. 112, § 5, tenth par. (a) and 243 C.M.R. 1.03(5)(a)1, the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician fraudulently procured the renewal of his certificate of registration.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01, *et seq.*

Nature Of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training or other restrictions upon the Respondent's practice of medicine.

Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why he should not be disciplined for the conduct described herein.

By the Board of
Registration in Medicine.

Randy Wertheimer, M.D.
Randy Wertheimer, M.D.
Board Member

Dated: October 3, 2007

Sent Certified mail 10/3/07/KJS