

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In re: Charles Edward Clark, Jr., M.D.)
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Docket No. MPN 50-0408

STIPULATION AND CONSENT ORDER

CONSENT ORDER

NOW COME Charles Edward Clark, Jr., M.D. (Respondent) and the State of Vermont, by and through Attorney General William H. Sorrell and the undersigned, Assistant Attorney General Terry Lovelace, and stipulate as follows:

1. Charles Edward Clark, Jr., M.D., (hereinafter "Respondent"), holds Vermont Medical License Number 042-0006979, issued on July 13, 1983, and is employed as a Family Practice physician.
2. Jurisdiction vests under the Vermont Board of Medical Practice (hereinafter "Board") by virtue of 26 V.S.A. §§ 1353, 1354, 1398, 1733-39, and 3 V.S.A. §§ 809 & 814(c).
3. Acknowledging the adequacy of notice and with advice and consent of counsel, Respondent voluntarily enters the following Stipulation and Consent Order.
4. The Medical Practice Board waives commencement of formal proceedings against Respondent provided he fully consents and complies with the

terms and conditions of this Stipulation and Consent Order.

FINDINGS OF FACT

5. The Vermont Board of Medical Practice on April 15, 2008 opened this matter for investigation based on a telephone complaint from a Pharmacist. The complainant alleged possible over-prescribing or self-prescribing of a controlled substance through prescriptions written by Respondent.

6. The Board's investigation included interviews with the Respondent, the complainant and Respondent's patient.

7. On or about April 21, 2008, Respondent acknowledged and admitted (a) that he prescribed a schedule IV drug, Lorazepam, for a family member and, (b) that he had shared the medication with his family member.

8. Respondent has not previously been the subject of disciplinary action in the State of Vermont or elsewhere with regard to his license to practice medicine.

CONCLUSIONS OF LAW

9. It is unacceptable medical practice and unprofessional conduct for a licensee to prescribe controlled substances listed in DEA Schedule IV for his own use. Such conduct constitutes a violation of 26 V.S.A. § 1398. It is also unacceptable medical practice and unprofessional conduct for a licensee to prescribe a schedule IV drug for a member of his immediate family. See State of Vermont, Board of Medical Practice, Rule 4.3.

CONSENT

Respondent Charles Edward Clark, Jr., M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order as follows:

10. Respondent acknowledges that without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with 26 V.S.A. §§ 1357, 1360, 1361, 1398.

11. Respondent acknowledges that he has the following rights, among others: the right to a formal hearing before the Vermont Board of Medical Practice, the right to reasonable notice of the hearing date, time and place, the right to be represented by counsel at his own expense, the right to subpoena witnesses and compel their testimony, and the right to cross-examine witnesses against him.

12. Respondent waives all rights to a hearing, consents to an entry of this Order relative to his practice of medicine in the State of Vermont, and understands that this Order is considered public information and that matters contained herein shall be reported, as required by law, to the National Practitioner Data Bank and the Federation of State Medical Boards. See 26 V.S.A. § 1368.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Vermont Board of Medical Practice, and on the basis of the consent of Dr. Clark, it is hereby **ORDERED** that:

13. Respondent shall attend and successfully complete two Continuing Medical Education classes as follows: (1) *Medical Ethics for Disciplined Professionals* by Professional Boundaries, Inc. through the University of Alabama School of Medicine on-line program, and; (2) *Addictions in 2010* through Harvard Medical School Department of Continuing Education, to be held April 30 through May 1, 2010. Respondent shall promptly provide the North Investigative Committee with a written critique of *Medical Ethics for Disciplined Professionals* so it may assess the efficacy of the program.

14. Respondent, by this Order is publicly **REPRIMANDED** by the Vermont Board of Medical Practice for the conduct set forth above.

15. Respondent's license to practice medicine in the State of Vermont shall be designated as **CONDITIONED** until such time as Respondent can demonstrate to the Board's satisfaction, full compliance with the conditions in Paragraph #13 above. Respondent's Vermont license to practice medicine shall be and remain designated as "Conditioned" until such time as the Board of Medical Practice has removed all terms and conditions upon his medical license. Respondent acknowledges that it is his duty to petition the Board to close this matter after demonstrating full compliance with Paragraph #13.

16. Respondent agrees that he shall provide a complete copy of this Stipulation and Consent Order to any employer and supervisor for whom he works or to any prospective employer, any State medical board or other licensing

authority in any location or jurisdiction where he may seek to practice or where he may make application, so long as this agreement remains in effect.

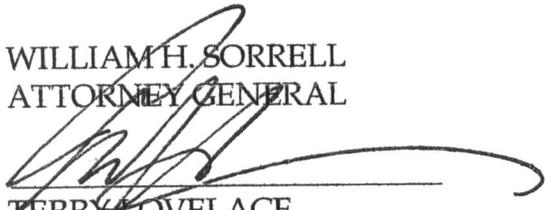
17. This Stipulation and Consent Order is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until presented to and approved by the Board. If the Board rejects any part of this Stipulation and Consent Order, the entire agreement shall be considered void.

Dated at Randolph Vermont, this 7 day of April, 2010.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

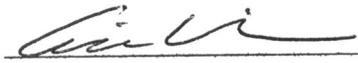
by:


TERRY LOVELACE
Assistant Attorney General

Dated at BRISTOL, Vermont, this 15th day of FEBRUARY, 2010.


CHARLES EDWARD CLARK, JR., M.D.
Respondent

Dated at Barre, Vermont, this 27 day of FEB, 2010.


ERIC MILLER, ESQ.
Counsel for Respondent

AS TO CHARLES EDWARD CLARK, JR., M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

[Signature] *Flavene Young*
[Signature] _____
[Signature] _____
Peter Hanasfas, M.D. _____
[Signature] _____
[Signature] _____
[Signature] _____

DATED: 4/7/2010
ENTERED AND EFFECTIVE: 4/7/2010