

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re:	)	MPC 15-0203	MPC 110-0803
	)	MPC 208-1003	MPC 163-0803
David S. Chase,	)	MPC 148-0803	MPD 126-0803
	)	MPC 106-0803	MPC 209-1003
Respondent.	)	MPC 122-0803	MPC 89-0703
	)		MPC 90-0703
	)		MPC 87-0703

RESPONSE TO AMENDED SUPERCEDING SPECIFICATION OF CHARGES

Now comes the Respondent, David S. Chase, M.D., who responds to the State of Vermont's Amended Superceding Specification of Charges as follows:

1. Denied that Dr. Chase currently holds a suspended license to practice medicine in the State of Vermont. The remainder of this paragraph sets forth a conclusion of law to which no response is required.
2. Admitted.
3. The allegations contained in Helena Nordstrom's written Complaint speak for themselves. To the extent the allegations contained in this paragraph are inconsistent with that Complaint, such allegations are specifically denied.
4. Admitted that Respondent examined Ms. Nordstrom's eyes and diagnosed her with central cataracts in both eyes. Consistent with accepted and proper medical practice, a portion of the examination performed by Respondent and his assistants, including the slit lamp examination of Ms. Nordstrom's eyes, was performed with Ms. Nordstrom's eyes dilated. However, a portion of the testing of Ms. Nordstrom's eyes was performed with her eyes in an undilated state.

5. Admitted that Respondent recommended cataract surgery as one possible treatment for Ms. Nordstrom's cataracts and accompanying vision problems. Denied that Respondent told Ms. Nordstrom that she should not seek a second opinion.
6. Denied.
7. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
8. Denied.
9. Respondent is currently without knowledge sufficient to admit or deny the allegations set forth in this paragraph, and by operation of Vermont Rule of Civil Procedure 8(b) they are therefore denied.
10. Admitted that Ms. Nordstrom underwent an evaluation with Dr. Morhun on June 20, 2003. Denied that it was an independent evaluation.
11. Dr. Morhun's statements and medical records speak for themselves. To the extent the allegations contained in this are inconsistent with that report, such allegations are specifically denied. Moreover, Respondent disputes the accuracy of the conclusions reached by Dr. Morhun.
12. Denied. According to his sworn deposition and trial testimony, Dr. Morhun was not given, and did not review, Dr. Chase's complete medical record for Ms. Nordstrom.
13. Dr. Morhun's report speaks for itself. To the extent the allegations contained in this paragraph are inconsistent with that report, such allegations are specifically denied. Moreover, Respondent disputes the accuracy of the conclusions reached by Dr. Morhun.
14. Dr. Morhun's report speaks for itself. To the extent the allegations contained in this paragraph are inconsistent with that report, such allegations are specifically denied. Moreover, Respondent disputes the accuracy of the conclusions reached by Dr. Morhun.

15. Dr. Morhun's report speaks for itself. To the extent the allegations contained in this paragraph are inconsistent with that report, such allegations are specifically denied. Moreover, Respondent disputes the accuracy of the conclusions reached by Dr. Morhun.
16. Dr. Morhun's report speaks for itself. To the extent the allegations contained in this paragraph are inconsistent with that report, such allegations are specifically denied. Moreover, Respondent disputes the accuracy of the conclusions reached by Dr. Morhun.
17. Dr. Morhun's report speaks for itself. To the extent the allegations contained in this paragraph are inconsistent with that report, such allegations are specifically denied. Moreover, Respondent disputes the accuracy of the conclusions reached by Dr. Morhun.
18. Dr. Morhun's report speaks for itself. To the extent the allegations contained in this paragraph are inconsistent with that report, such allegations are specifically denied. Moreover, Respondent disputes the accuracy of the conclusions reached by Dr. Morhun.
19. Dr. Morhun's report speaks for itself. To the extent the allegations contained in this paragraph are inconsistent with that report, such allegations are specifically denied. Moreover, Respondent disputes the accuracy of the conclusions reached by Dr. Morhun.
20. Respondent hereby incorporates the responses contained in Paragraphs 1 through 19, above.
21. Denied.
22. Respondent hereby incorporates the responses contained in Paragraphs 1 through 21, above.
23. Denied.
24. Respondent hereby incorporates the responses contained in Paragraphs 1 through 23, above.
25. Denied.

26. Respondent hereby incorporates the responses contained in Paragraphs 1 through 25, above.
27. Denied.
28. Respondent hereby incorporates the responses contained in Paragraphs 1 through 27, above.
29. Denied.
30. Respondent hereby incorporates the responses contained in Paragraphs 1 through 29, above.
31. Denied.
32. Respondent hereby incorporates the responses contained in Paragraphs 1 through 31, above.
33. Denied.
34. Respondent hereby incorporates the responses contained in Paragraphs 1 through 33, above.
35. Denied.
36. Respondent hereby incorporates the responses contained in Paragraphs 1 through 35, above.
37. Denied.
38. Respondent hereby incorporates the responses contained in Paragraphs 1 through 37, above.
39. Denied.
40. Respondent hereby incorporates the responses contained in Paragraphs 1 through 39, above.
41. Denied.

42. Respondent hereby incorporates the responses contained in Paragraphs 1 through 41, above.
43. Denied.
44. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
45. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
46. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
47. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
48. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
49. Patient #2's allegations speak for themselves. Dr. Chase does not admit the accuracy of those statements.
50. Denied that Patient #2's records contain false information or that the results of the CST were obtained or used improperly. Dr. Irwin's prior sworn statements and medical records speak for themselves. Dr. Chase does not admit the accuracy of those statements or records.
51. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
52. Denied that the diagnosis entered in Patient #2's record was false. Dr. Irwin's testimony reports, and medical records speak for themselves. Dr. Chase does not admit to the accuracy of those statements or records.
53. Denied.
54. Denied.
55. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
56. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
57. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
58. Denied.

59. Admitted.
60. Denied.
61. Respondent is currently without knowledge sufficient to admit or deny the allegations set forth in this paragraph, and by operation of Vermont Rule of Civil Procedure 8(b) they are therefore denied.
62. Respondent hereby incorporates the responses contained in paragraphs 44 through 61, above.
63. Denied.
64. Respondent hereby incorporates the responses contained in paragraphs 44 through 63, above.
65. Denied.
66. Respondent hereby incorporates the responses contained in paragraphs 44 through 65, above.
67. Denied.
68. Respondent hereby incorporates the responses contained in paragraphs 44 through 67, above.
69. Denied.
70. Respondent hereby incorporates the responses contained in paragraphs 44 through 69, above.
71. Denied.
72. Respondent hereby incorporates the responses contained in paragraphs 44 through 71, above.
73. Denied.

74. Respondent hereby incorporates the responses contained in paragraphs 44 through 73, above.
75. Denied.
76. Respondent hereby incorporates the responses contained in paragraphs 44 through 75, above.
77. Denied.
78. Respondent hereby incorporates the responses contained in paragraphs 44 through 77, above.
79. Denied.
80. Respondent hereby incorporates the responses contained in paragraphs 44 through 79, above.
81. Denied.
82. Respondent hereby incorporates the responses contained in paragraphs 44 through 81, above.
83. Denied.
84. Respondent hereby incorporates the responses contained in paragraphs 44 through 83, above.
85. Denied.
86. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
87. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
88. Denied.
89. Denied that Patient #4 was administered a "cataract test."

90. Respondent is currently without knowledge sufficient to admit or deny the allegations set forth in this paragraph, and by operation of Vermont Rule of Civil Procedure 8(b) they are therefore denied.
91. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
92. Denied.
93. Respondent is currently without knowledge sufficient to admit or deny the allegations set forth in this paragraph, and by operation of Vermont Rule of Civil Procedure 8(b) they are therefore denied.
94. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
95. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
96. Denied that Patient # 4's records contain false information or that Respondent improperly utilized test results. Dr. Tabin's medical records speak for themselves. Dr. Chase does not admit the accuracy of those records.
97. Patient #4's allegations speak for themselves. Dr. Chase does not admit the accuracy of those allegations.
98. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
99. Denied.
100. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
101. Denied that the record of Patient # 4 contains a false diagnosis. Dr. Tabin's records speak for themselves. Dr. Chase does not admit the accuracy of those records.
102. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
103. Denied.
104. Denied.
105. Denied.

106. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
107. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
108. Denied.
109. Respondent hereby incorporates the responses contained in paragraphs 86 through 108, above.
110. Denied.
111. Respondent hereby incorporates the responses contained in paragraphs 86 through 110, above.
112. Denied.
113. Respondent hereby incorporates the responses contained in paragraphs 86 through 112, above.
114. Denied.
115. Respondent hereby incorporates the responses contained in paragraphs 86 through 114, above.
116. Denied.
117. Respondent hereby incorporates the responses contained in paragraphs 86 through 116, above.
118. Denied.
119. Respondent hereby incorporates the responses contained in paragraphs 86 through 118, above.
120. Denied.
121. Respondent hereby incorporates the responses contained in paragraphs 86 through 120, above.
122. Denied.

123. Respondent hereby incorporates the responses contained in paragraphs 86 through 122, above.
124. Denied.
125. Respondent hereby incorporates the responses contained in paragraphs 86 through 124, above.
126. Denied.
127. Respondent hereby incorporates the responses contained in paragraphs 86 through 126, above.
128. Denied.
129. Respondent hereby incorporates the responses contained in paragraphs 86 through 128, above.
130. Denied.
131. Respondent hereby incorporates the responses contained in paragraphs 86 through 130, above.
132. Denied.
133. Respondent hereby incorporates the responses contained in paragraphs 86 through 132, above.
134. Denied.
135. Respondent hereby incorporates the responses contained in paragraphs 86 through 134, above.
136. Denied.
137. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
138. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
139. Denied.

140. Denied.
141. Denied.
142. Denied.
143. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
144. Denied.
145. Denied.
146. Denied.
147. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
148. Denied that Patient # 5's record contains a false diagnosis. Dr. Cavin's medical records speak for themselves. Dr. Chase does not admit the accuracy of those records.
149. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
150. Denied.
151. Respondent hereby incorporates the responses contained in paragraphs 137 through 150, above.
152. Denied.
153. Respondent hereby incorporates the responses contained in paragraphs 137 through 152, above.
154. Denied.
155. Respondent hereby incorporates the responses contained in paragraphs 137 through 154, above.
156. Denied.
157. Respondent hereby incorporates the responses contained in paragraphs 137 through 156, above.
158. Denied.

159. Respondent hereby incorporates the responses contained in paragraphs 137 through 158, above.
160. Denied.
161. Respondent hereby incorporates the responses contained in paragraphs 137 through 160, above.
162. Denied.
163. Respondent hereby incorporates the responses contained in paragraphs 137 through 162, above.
164. Denied.
165. Respondent hereby incorporates the responses contained in paragraphs 137 through 164, above.
166. Denied.
167. Respondent hereby incorporates the responses contained in paragraphs 137 through 166, above.
168. Denied.
169. Respondent hereby incorporates the responses contained in paragraphs 137 through 168, above.
170. Denied.
171. Respondent is without knowledge sufficient to admit or deny the allegations set forth in this paragraph, and by operation of Vermont Rule of Civil Procedure 8(b) they are therefore denied.
172. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
173. Denied.
174. Denied.

175. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise denied.
176. Respondent is without knowledge sufficient to admit or deny the allegations set forth in this paragraph, and by operation of Vermont Rule of Civil Procedure 8(b) they are therefore denied.
177. Admitted.
178. Dr. Guilfooy's medical records speak for themselves. Dr. Chase does not admit the accuracy of those records.
179. Respondent is currently without knowledge sufficient to admit or deny the allegations set forth in this paragraph, and by operation of Vermont Rule of Civil Procedure 8(b) they are therefore denied.
180. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
181. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
182. Respondent hereby incorporates the responses contained in paragraphs 171 through 181, above.
183. Denied.
184. Respondent hereby incorporates the responses contained in paragraphs 171 through 183, above.
185. Denied.
186. Respondent hereby incorporates the responses contained in paragraphs 171 through 185, above.
187. Denied.
188. Respondent hereby incorporates the responses contained in paragraphs 171 through 187, above.
189. Denied.

190. Respondent hereby incorporates the responses contained in paragraphs 171 through 189, above.
191. Denied.
192. Respondent hereby incorporates the responses contained in paragraphs 171 through 191, above.
193. Denied.
194. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
195. Denied that Respondent informed Patient # 8 that she required surgery. The remainder is admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
196. Denied.
197. Respondent is currently without knowledge sufficient to admit or deny the allegations set forth in this paragraph, and by operation of Vermont Rule of Civil Procedure 8(b) they are therefore denied.
198. Respondent is currently without knowledge sufficient to admit or deny the allegations set forth in this paragraph, and by operation of Vermont Rule of Civil Procedure 8(b) they are therefore denied.
199. Respondent is currently without knowledge sufficient to admit or deny the allegations set forth in this paragraph, and by operation of Vermont Rule of Civil Procedure 8(b) they are therefore denied.
200. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
201. Denied that Patient # 8's records contain a false diagnosis. Dr. Irwin's medical records and reports speak for themselves. Dr. Chase does not admit the accuracy of those records or reports.
202. Denied.

203. Respondent is currently without knowledge sufficient to admit or deny whether Patient # 8 received a second opinion, and by operation of Vermont Rule of Civil Procedure 8(b) it is therefore denied. Denied that Patient #8's records contain false information.
204. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
205. Denied.
206. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
207. Denied that Patient #8's records contain false information or that Respondent improperly utilized test results. Dr. Irwin's records speak for themselves. Dr. Chase does not admit the accuracy of those records.
208. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
209. Respondent hereby incorporates the responses contained in paragraphs 194 through 208, above.
210. Denied.
211. Respondent hereby incorporates the responses contained in paragraphs 194 through 210, above.
212. Denied.
213. Respondent hereby incorporates the responses contained in paragraphs 194 through 212, above.
214. Denied.
215. Respondent hereby incorporates the responses contained in paragraphs 194 through 214, above.
216. Denied.
217. Respondent hereby incorporates the responses contained in paragraphs 194 through 216, above.

218. Denied.
219. Respondent hereby incorporates the responses contained in paragraphs 194 through 218, above.
220. Denied.
221. Respondent hereby incorporates the responses contained in paragraphs 194 through 220, above.
222. Denied.
223. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
224. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
225. Denied.
226. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
227. Respondent is currently without knowledge sufficient to admit or deny the allegations set forth in this paragraph, and by operation of Vermont Rule of Civil Procedure 8(b) they are therefore denied.
228. Admitted to the extent consistent with Dr. Guilfooy's medical records. Otherwise, denied.
229. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
230. Denied that Patient # 9's records contain a false diagnosis. Dr. Guilfooy's medical records and reports speak for themselves. Dr. Chase does not admit the accuracy of those records and reports.
231. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
232. Denied that Patient # 9's records contain false information or that Respondent improperly utilized test results. Dr. Guilfooy's medical records and reports speak for themselves. Dr. Chase does not admit the accuracy of those reports and records.
233. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.

234. Denied that Patient # 9's records contain false information. Dr. Guilfoy's records speak for themselves. Dr. Chase does not admit the accuracy of those records.
235. Denied.
236. Denied that Patient #9's records contain false information. Respondent is currently without knowledge sufficient to admit or deny the remaining allegations set forth in this paragraph, and by operation of Vermont Rule of Civil Procedure 8(b) they are therefore denied.
237. Respondent hereby incorporates the responses contained in paragraphs 223 through 236, above.
238. Denied.
239. Respondent hereby incorporates the responses contained in paragraphs 223 through 238, above.
240. Denied.
241. Respondent hereby incorporates the responses contained in paragraphs 223 through 240, above.
242. Denied.
243. Respondent hereby incorporates the responses contained in paragraphs 223 through 242, above.
244. Denied.
245. Respondent hereby incorporates the responses contained in paragraphs 223 through 244, above.
246. Denied.
247. Respondent hereby incorporates the responses contained in paragraphs 223 through 246, above.

248. Denied.
249. Respondent hereby incorporates the responses contained in paragraphs 223 through 248, above.
250. Denied.
251. Respondent hereby incorporates the responses contained in paragraphs 223 through 250, above.
252. Denied.
253. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
254. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
255. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
256. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
257. Denied.
258. Denied.
259. Dr. Cleary's medical records speak for themselves. Dr. Chase does not admit the accuracy of those records.
260. Dr. Maguire's medical records speak for themselves. Dr. Chase does not admit the accuracy of those medical records.
261. Respondent hereby incorporates the responses contained in paragraphs 253 through 260, above.
262. Denied.
263. Respondent hereby incorporates the responses contained in paragraphs 253 through 262, above.
264. Denied.

265. Respondent hereby incorporates the responses contained in paragraphs 253 through 264, above.
266. Denied.
267. Respondent hereby incorporates the responses contained in paragraphs 253 through 266, above.
268. Denied.
269. Respondent hereby incorporates the responses contained in paragraphs 253 through 268, above.
270. Denied.
271. Respondent hereby incorporates the responses contained in paragraphs 253 through 270, above.
272. Denied.
273. Respondent hereby incorporates the responses contained in paragraphs 253 through 272, above.
274. Denied.
275. Respondent hereby incorporates the responses contained in paragraphs 253 through 274, above.
276. Denied.
277. Respondent hereby incorporates the responses contained in paragraphs 253 through 276, above.
278. Denied.
279. Respondent hereby incorporates the responses contained in paragraphs 253 through 278, above.
280. Denied.

281. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
282. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
283. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
284. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
285. Denied.
286. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
287. Dr. Morhun's medical records speak for themselves. Dr. Chase does not admit the accuracy of these records.
288. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
289. Denied that Patient # 11's record contains a false diagnosis. Dr. Morhun's medical records speak for themselves. Dr. Chase does not admit the accuracy of those records.
290. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
291. Denied that Patient # 11's chart contains false information or that Respondent improperly utilized test results. Dr. Morhun's medical records speak for themselves. Dr. Chase does not admit the accuracy of those records.
292. Denied.
293. Denied.
294. Respondent hereby incorporates the responses contained in paragraphs 281 through 293, above.
295. Denied.
296. Respondent hereby incorporates the responses contained in paragraphs 281 through 295, above.
297. Denied.

298. Respondent hereby incorporates the responses contained in paragraphs 281 through 297, above.
299. Denied.
300. Respondent hereby incorporates the responses contained in paragraphs 281 through 299, above.
301. Denied.
302. Respondent hereby incorporates the responses contained in paragraphs 281 through 301, above.
303. Denied.
304. Respondent hereby incorporates the responses contained in paragraphs 281 through 303, above.
305. Denied.
306. Respondent hereby incorporates the responses contained in paragraphs 281 through 305, above.
307. Denied.
308. Respondent hereby incorporates the responses contained in paragraphs 281 through 307, above.
309. Denied.
310. Respondent hereby incorporates the responses contained in paragraphs 281 through 309, above.
311. Denied.
312. Respondent hereby incorporates the responses contained in paragraphs 281 through 311, above.
313. Denied.

314. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
315. Denied.
316. Denied.
317. Respondent is currently without knowledge sufficient to admit or deny the allegations regarding Patient #12's apprehension. Dr. Watson's medical records speak for themselves. Dr. Chase does not admit the accuracy of those records.
318. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
319. Denied that Patient #12's record contains a false diagnosis. Dr. Watson's medical records speak for themselves. Dr. Chase does not admit the accuracy of those medical records.
320. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
321. Denied.
322. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
323. Denied that Patient # 12's records contain false information or that Respondent improperly utilized test results. Dr. Watson's medical records speak for themselves. Dr. Chase does not admit the accuracy of those records.
324. Denied.
325. Denied.
326. Respondent hereby incorporates the responses contained in paragraphs 314 through 325, above.
327. Denied.
328. Respondent hereby incorporates the responses contained in paragraphs 314 through 327, above.
329. Denied.

330. Respondent hereby incorporates the responses contained in paragraphs 314 through 329, above.
331. Denied.
332. Respondent hereby incorporates the responses contained in paragraphs 314 through 331, above.
333. Denied.
334. Respondent hereby incorporates the responses contained in paragraphs 314 through 333, above.
335. Denied.
336. Respondent hereby incorporates the responses contained in paragraphs 314 through 335, above.
337. Denied.
338. Respondent hereby incorporates the responses contained in paragraphs 314 through 337, above.
339. Denied.
340. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
341. Denied.
342. Denied.
343. Denied.
344. Dr. Sudarksy's medical records speak for themselves. Dr. Chase does not admit the accuracy of those medical records.
345. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
346. Denied that Patient # 13's record contains a false diagnosis. Dr. Sudarksy's medical records speak for themselves. Dr. Chase does not admit the accuracy of those records.

347. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
348. Denied.
349. Denied.
350. Denied.
351. Respondent hereby incorporates the responses contained in paragraphs 340 through 350, above.
352. Denied.
353. Respondent hereby incorporates the responses contained in paragraphs 340 through 352, above.
354. Denied.
355. Respondent hereby incorporates the responses contained in paragraphs 340 through 354, above.
356. Denied.
357. Respondent hereby incorporates the responses contained in paragraphs 340 through 356, above.
358. Denied.
359. Respondent hereby incorporates the responses contained in paragraphs 340 through 358, above.
360. Denied.
361. Respondent hereby incorporates the responses contained in paragraphs 340 through 360, above.
362. Denied.
363. Respondent hereby incorporates the responses contained in paragraphs 340 through 362, above.

364. Denied.
365. Respondent hereby incorporates the responses contained in paragraphs 340 through 364, above.
366. Denied.
367. Respondent hereby incorporates the responses contained in paragraphs 340 through 366, above.
368. Denied.
369. Respondent hereby incorporates the responses contained in paragraphs 340 through 368, above.
370. Denied.
371. Respondent hereby incorporates the responses contained in paragraphs 340 through 370, above.
372. Denied.
373. Respondent hereby incorporates the responses contained in paragraphs 340 through 372, above.
374. Denied.
375. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
376. Denied.
377. Denied.
378. Denied.
379. Denied that Dr. Chase tried to dissuade Patient #14 from getting a second opinion. Dr. Irwin's and Dr. Guilfoy's medical records and reports speak for themselves. Dr. Chase does not admit the accuracy of those records or reports.
380. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.

381. Denied.
382. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
383. Denied that Patient # 14's record contains a false diagnosis. Dr. Irwin's and Dr. Guilfooy's medical records and reports speak for themselves. Dr. Chase does not admit the accuracy of those reports or records.
384. Admitted to the extent consistent with Dr. Chase's medical records. Otherwise, denied.
385. Denied that Patient # 14's records contain false information or that Respondent improperly utilized test results. Dr. Irwin's and Dr. Guilfooy's medical records and reports speak for themselves. Dr. Chase does not admit the accuracy of those reports or records.
386. Denied.
387. Denied.
388. Respondent hereby incorporates the responses contained in paragraphs 375 through 387, above.
389. Denied.
390. Respondent hereby incorporates the responses contained in paragraphs 375-389, above.
391. Denied.
392. Respondent hereby incorporates the responses contained in paragraphs 375 through 391, above.
393. Denied.
394. Respondent hereby incorporates the responses contained in paragraphs 375 through 393, above.
395. Denied.

396. Respondent hereby incorporates the responses contained in paragraphs 375 through 395, above.
397. Denied.
398. Respondent hereby incorporates the responses contained in paragraphs 375 through 397, above.
399. Denied.
400. Respondent hereby incorporates the responses contained in paragraphs 375 through 399, above.
401. Denied.
402. Respondent hereby incorporates the responses contained in paragraphs 375 through 401, above.
403. Denied.
404. Respondent hereby incorporates the responses contained in paragraphs 375 through 403, above.
405. Denied.
406. Respondent hereby incorporates the responses contained in paragraphs 375 through 405, above.
407. Denied.

AFFIRMATIVE DEFENSES AND COUNTERCLAIMS

1. The Board's decision to summarily suspend Respondent's license was not sufficiently narrowly tailored to address the need to protect the public from the actions alleged by the State and was therefore unconstitutionally overbroad and violated Respondent's due process rights.

2. The State's refusal to copy and promptly return Respondent's seized medical records has deprived him of his right to a reasonably prompt and meaningful post-deprivation hearing on the merits of the State's charges against him and has therefore violated his due process rights.
3. The Board did not provide Respondent with reasonably prompt and meaningful post-deprivation hearing.
4. The Board's investigator violated the Respondent's due process rights by falsifying evidence used in support of the summary suspension of Dr. Chase's license and the charges against him.
5. The State violated Dr. Chase's due process rights by requesting that witnesses not speak with Dr. Chase outside the State's presence.

WHEREFORE, Respondent requests that the Board dismiss the charges brought by the State of Vermont and grant such other relief to Respondent as it deems just and proper.

Dated at Burlington, Vermont, this 5th day of April, 2006.

SHEEHEY FURLONG & BEHM P.C.
Attorneys for DAVID S. CHASE, M.D.

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