

**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 140-0803	MPC 89-0703
	)	MPC 122-0803	MPC 90-0703
	)		MPC 87-0703

**RESPONDENT’S FILING REGARDING AMENDED
SUPERCEDING SPECIFICATION OF CHARGES**

Two-and-one-half years after it first sought the summary suspension of Dr. Chase’s medical license, and over two years since it first amended its Specification of Charges against him, the State has again amended its allegations against the Respondent. The State’s proposed amendments fall into two categories: First, it has deleted allegations pertaining to a patient who died less than a year after the State charged Dr. Chase. Second, it has deleted all counts alleging that Dr. Chase engaged in a pattern and practice of professional misconduct apart from the individual patients identified in the Specification. Otherwise, the Amended Superceding Specification of Charges remains unchanged from the Superceding Specification of Charges that preceded it, despite the fact that many of the allegations contained in the document have since been demonstrated to be false by the State’s own witnesses and their medical records. The State has made no effort to correct these errors in its pleading, but has instead repeated the original charges verbatim.

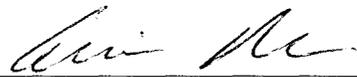
For instance, the State repeatedly alleges that patients did not complain to Dr. Chase about their vision, even though those patients either admitted under oath that they made such complaints or their complaints are recorded in their own handwriting in their medical records.

Similarly, the State continues to allege that Dr. Chase recorded his patients CST with BAT test scores as their “visual acuity,” even though the medical records contain no such notations. The Amended Superceding Specification of Charges is replete with these and other allegations which the State now knows to be false.

Dr. Chase does not oppose the State’s proposal to drop charges against him. However, it requests that the Board require two simple things of the State. First, the State should be required to set forth the reasons for its amendments, just like any party that seeks to amend pleadings midway through a case. Second, the Board should order the State to conform its charges to the evidence by striking all allegations inconsistent with the undisputed evidence gained through discovery, rather than simply cutting and pasting the same demonstrably false and defamatory allegations set forth in the original Superceding Specification of Charges. It should not fall to the Respondent to perform the expensive and time-consuming task of moving to strike false allegations that remain in the Specification only because the State has not taken the time to correct them.

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

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By:  _____

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