

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In Re:)
)
Phillip Briar Blanchard) MPN 155-1005
)
Respondent)

SPECIFICATION OF CHARGES

Now comes the State of Vermont ("State") and, by and through undersigned counsel, files the following Specification of Charges regarding Phillip Briar Blanchard, M.D. (hereinafter "Respondent").

JURISDICTION

1. The Vermont Medical Practice Board (hereinafter "Board") has jurisdiction over this matter as Respondent currently holds a suspended license to practice medicine in the State of Vermont, license number 042-0007385.

FACTUAL ALLEGATIONS

2. On May 21, 2005, Respondent examined Patient A in the emergency room ("ER") of the San Ramon Medical Center ("Medical Center") and admitted her to the Medical Center.
3. At approximately 6:45 a.m. on the morning of May 22, 2005, Deputy Sheriff McKeen of the Contra Costa County Sheriff's Department responded to a complaint of indecent exposure at the Medical Center.
4. At the Medical center Deputy McKeen interviewed Patient A. Patient A informed Deputy McKeen that at approximately midnight Respondent had come into her room but left the room when a nurse came in. Respondent then returned to Patient

A's room after the nurse left. Patient A did not know how much time had elapsed between the time Respondent left and Patient A's room and the time he returned.

5. According to Patient A, when Respondent returned to Patient A's room he went to Patient A's bedside, closed the blinds and began to masturbate. Patient A reported that Respondent ejaculated on Patient A's hospital gown near the area of her chest and stomach.
6. After interviewing Patient A, Deputy McKeen went to the ER to interview Respondent. Deputy McKeen was informed that Respondent was sleeping and a hospital orderly was sent to wake up Respondent.
7. Deputy McKeen waited approximately 15 minutes before Respondent arrived. During the course of the interview, Deputy McKeen asked Respondent if there was any reason Respondent's semen would be present on Patient A's bed clothing. Respondent did not immediately answer Deputy McKeen's question and Deputy McKeen informed Respondent that it was a yes-or-no question. Deputy McKeen then repeated the question and Respondent admitted that he had ejaculated in Patient A's room.
8. Deputy McKeen returned to speak with Patient A. Patient A had been transferred to another room because Respondent had come to see Patient A after he was told the police wanted to speak with him. Respondent never told this to Deputy McKeen in his initial interview.
9. Deputy McKeen returned to the ER to again speak with Respondent. Respondent stated to Deputy McKeen that he had never done anything like and thought he would probably lose his job. Deputy McKeen asked Respondent what he thought

was going on when told the police wanted to speak with him. Respondent answered that he had no idea. Deputy McKeen then asked Respondent why he had gone to patient A's room before speaking with police. Respondent paused for several seconds and then stated that he thought the reason the police wished to speak with him had something to do with Patient A and wanted to find out before speaking with Deputy McKeen.

10. Deputy McKeen arrested Respondent and brought him to the San Remo Police Department. After being advised of his rights, Respondent agreed to provide a video-recorded statement. In his statement, Respondent admitted to sitting in a chair next to Patient A's bed and masturbating. Respondent admitted to standing up at the point of ejaculation.

CHARGES OF UNPROFESSIONAL CONDUCT

COUNT I - UNFITNESS TO PRACTICE MEDICINE

11. State hereby incorporates Paragraphs 1-10, above.
12. Respondent's conduct with Patient A on the morning of May 22, 2005, constitutes unprofessional conduct as defined at 26 V.S.A. §1354 (a)(7) as conduct evidencing unfitness to practice medicine.

COUNT II-UNSAFE OR UNACCEPTABLE PATIENT CARE

13. State hereby incorporates Paragraphs 1-10, above.
14. Respondent's conduct with Patient A on the morning of May 22, 2005, constitutes unprofessional conduct as defined at 26 V.S.A. §1354 (b)(1) as performance of unsafe or unacceptable patient care.

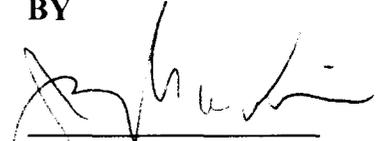
COUNT III- IMMORAL OR DISHONORABLE CONDUCT

15. State hereby incorporates Paragraphs 1-10, above.
16. Respondent's conduct with Patient A on the morning of May 22, 2005, constitutes unprofessional conduct as defined at 26 V.S.A. §1398 as immoral or dishonorable conduct.

WHEREFORE The State requests the Board **REVOKE** the license of Respondent.

Dated at Burlington, Vermont this 10th day of January, 2006.

**WILLIAM SORRELL
ATTORNEY GENERAL
STATE OF VERMONT
BY**



Joseph L. Winn
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