

**STATE OF VERMONT
DEPARTMENT OF HEALTH
BOARD OF MEDICAL PRACTICE**

In re: Herbert H. Scherzer, M.D.

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Licensing Committee Matter

NOTICE OF ENTRY OF ORDER

Approving physician's request for relief of conditions

Please take notice that an Order was issued and entered by the Vermont Board of Medical Practice on December 3, 2008, approving Respondent's request for relief of conditions on his physician license by a Stipulation and Consent Order effective December 6, 2006. The relief from conditions is effective December 3, 2008, leaving respondent with a full, unconditional license.

Dated: December 3, 2008

William E. Wargo
Director
Board of Medical Practice

STATE OF VERMONT BOARD OF MEDICAL PRACTICE

In re: Herbert H. Scherzer, M.D.

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Licensing Committee Matter
South Inv. Committee Monitoring

STATE'S RESPONSE TO RESPONDENT'S PETITION FOR RELIEF FROM CONDITIONS OF LICENSURE

The State of Vermont, by and through Attorney General William H. Sorrell and undersigned Assistant Attorney General, James S. Arisman, files this response to the petition of Respondent Herbert H. Scherzer, M.D., for relief from the current conditions upon his Vermont medical license.

1. Respondent Scherzer entered into a Stipulation and Consent Order with the Vermont Board of Medical Practice in November 2006. The agreement was related to Respondent's medical needs and treatment. Respondent then practiced medicine in the State of Connecticut. Respondent holds or previously held medical licensure in the States of Connecticut, New York, Pennsylvania, and Maine. In 2000, Respondent's Vermont medical license had lapsed. In 2006, the Board of Medical Practice reinstated Respondent's Vermont medical license. Respondent at the time anticipated possible employment and medical practice in the State of Vermont.

2. Due to a medical condition, Respondent in 2005 began to receive certain medical care and treatment. He was reported to have responded well to treatment and to have complied fully and responsibly with all aspects of treatment. No information ever was received indicating any concerns regarding quality of care of patients. Respondent provided the Vermont Board of Medical Practice with documentation regarding his medical condition

7. Under Paragraph 32 of Respondent's amended agreement with the Vermont Board of Medical Practice, he is permitted to petition for termination of the conditions on his medical license in this State, consistent with his own medical needs, patient safety, and following any modification of his agreement with the State of Connecticut. As noted, Respondent has filed such a petition for relief.

8. The Vermont Board's South Investigative Committee, to which this matter is assigned for monitoring, has reviewed this matter and Respondent's petition for relief. In light of the record, the South Investigative Committee has recommended termination of Respondent's agreement with the Vermont Board and the conditions previously imposed upon Respondent's Vermont medical license.

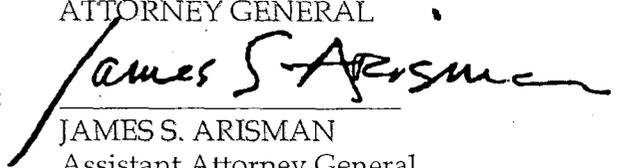
9. The State of Vermont, by and through undersigned counsel, fully concurs in the recommendation of the South Investigative Committee.

WHEREFORE, for the reasons set forth above, the State of Vermont respectfully requests that the Board of Medical Practice approve Respondent's petition and enter an order terminating the conditions previously imposed upon the Vermont medical license of Respondent, Herbert H. Scherzer, M.D.

Dated at Montpelier, Vermont, this 25th day of November 2008.

WILLIAM H. SORRELL
ATTORNEY GENERAL

by:


JAMES S. ARISMAN
Assistant Attorney General

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
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and treatment. His treating physicians raised no concern regarding Respondent's ability to care for patients. Respondent expressed his full willingness to continue regular care of his medical needs and to cooperate with the Vermont Board of Medical Practice at all times.

3. Respondent is presently practicing in Connecticut, providing inpatient hospital care and teaching. Following reinstatement of his Vermont medical license in 2006, Respondent did **not** take up employment in this state.

4. Subsequent to the reinstatement of Respondent's Vermont medical license in 2006, the State of Connecticut entered into a confidential Consent Agreement with Respondent regarding his medical condition and treatment. A copy of this agreement has been retained in the files of the Vermont Board.¹

5. In 2007, Respondent petitioned the Vermont Board of Medical Practice and requested that the Connecticut Department of Public Health, Healthcare Systems Branch, be permitted to provide principal oversight and monitoring of his medical condition, health care, and his ability to practice, under the terms of his agreement with the State of Connecticut. Respondent's Vermont Stipulation and Consent Order was amended in this regard by the Vermont Board.

6. Most recently, by petition dated November 9, 2008, Respondent requested removal of the conditions on his Vermont medical license. In support, Respondent provided a letter dated November 5, 2008 from the State of Connecticut Department of Public Health stating that his program of treatment had been successfully completed and that the Department's file on the matter officially had been closed and all monitoring terminated. Correspondence provided earlier by Respondent indicated that he had cooperated fully in treatment, responded well, and presented no basis for concerns regarding his ability to practice or as to patient safety.