

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In re: Karen Preis, M.D.

Docket No.: MPS 135-1108

**SPECIFICATION OF CHARGES AND MOTION
TO SUSPEND OR REVOKE MEDICAL LICENSE**

The State of Vermont, Petitioner, by and through Attorney General William H. Sorrell, and undersigned Assistant Attorney General, James S. Arisman, alleges the following in the above-captioned matter involving Respondent Preis.

1. Karen Preis, M.D., Respondent, holds Vermont medical license No. 042-0004451, issued by the Board of Medical Practice ("the Board") on October 22, 1971. Respondent is a psychiatrist, practicing in the Burlington area.

2. The Vermont Board of Medical Practice possesses jurisdiction in this matter pursuant to 26 V.S.A. §§ 1353-1361, 1398 and 32 V.S.A. § 3113.

I. Background and Allegations.

A. Procedural History.

3. In a previous action, the State on April 22 & 28, 2009 filed charges against Respondent Preis alleging that she was not then in "good standing" as to her Vermont tax obligations. The Medical Board conducted a hearing on June 3, 2009 on the State's charges and its request for suspension of Respondent's Vermont license to practice medicine, until such time as the Commissioner of Taxes certified that she had come into "good standing" with respect to any and all required filings and payment of taxes.

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4. Following a hearing before the Board on June 3, 2009 on the State's charges, the Board of Medical Practice found that Respondent was not in "good standing" and had not been in "good standing" as to her Vermont tax obligations since August 16, 2007. Respondent did not appear for this hearing or otherwise contest the State's charges. The Board subsequently entered on June 5, 2009 its written suspending Respondent's license to practice medicine, pursuant to 32 V.S.A. § 3113(f).

5. Subsequently, on or about June 30, 2009, the Vermont Department of Taxes notified the Board of Medical Practice that as of that date Respondent was then in compliance with her tax obligations under 32 V.S.A. § 3113(f). Following receipt of this information, the Board on July 1, 2009 terminated its earlier order suspending Respondent's Vermont medical license.

B. Current Circumstances.

6. On or about September 23, 2009, the Department of Taxes notified staff of the Board of Medical Practice that Respondent again was not in "good standing" as to her tax obligations. The Tax Department indicated that it was prepared to provide testimony establishing this point by affidavit or witness at any Board hearing regarding Respondent's tax standing.

C. Basis for Board Action.

7. The Vermont Board of Medical Practice possesses authority to suspend or revoke the license to practice medicine of a physician who has been found to have engaged in unprofessional conduct. 26 V.S.A. § 1361(a)&(b). Further, under Vermont law, the Board of Medical Practice must revoke or suspend a practitioner's license to practice medicine if the

Board "finds that taxes administered by the [Commissioner of Taxes] have not been paid and the taxpayer's liability for such taxes is not under appeal." 32 V.S.A. § 3113(f).

8. The Vermont Department of Taxes has no record indicating that Respondent has entered any legal appeal relating to her tax obligations.

9. As of the date of the State's action in filing this Specification of Charges, Respondent is not in "good standing" with the Department of Taxes as to taxes due and payable to the State of Vermont.

10. The South Investigative Committee has reviewed these charges and concurs in their filing with the Board of Medical Practice.

II. Statutory Violations.

Count 1

11. Paragraphs 3 through 10, above, are repeated and incorporated by reference.

12. By failing to timely pay taxes due and maintain "good standing" status as to her tax obligations to the State of Vermont, Respondent has failed to comply with provisions of state statutes governing the practice of medicine. 26 V.S.A. § 1354(a)(27). Such conduct is unprofessional.

Count 2

13. Paragraphs 3 through 10, above, are repeated and incorporated by reference.

14. By failing to timely pay taxes due and maintain "good standing" status as to her tax obligations due the State of Vermont, Respondent has engaged in unprofessional or dishonorable conduct thereby establishing a basis for suspension or revocation of Respondent's Vermont medical license. 26 V.S.A. § 1398.

Count 3

15. Paragraphs 3 through 10, above, are repeated and incorporated by reference.

16. By failing to timely pay taxes due and maintain "good standing" status as to her tax obligations to the State of Vermont, Respondent has acted contrary to the provisions of 32 V.S.A. § 3113(f). Therefore, Respondent's Vermont medical license is and shall be subject to suspension or revocation by the Board of Medical Practice.

Petitioner, the State of Vermont, for the reasons set forth above, moves that the Vermont Board of Medical Practice enter an order (a) **SUSPENDING OR REVOKING** the Vermont medical license of Respondent Preis until such later time as the Board has received from the Commissioner of Taxes certification that Respondent is in good standing with respect to any and all taxes due and payable; and (b) conditioning Respondent's Vermont medical license, should it later be removed from suspension status, to require that Respondent remain in continuing "good standing" as to any and all Vermont taxes due and payable and expressly warning that any future failure to do so will subject Respondent to possible revocation of her license to practice medicine.

Dated at Montpelier, Vermont this 28th day of September 2009.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

by:

James S. Arisman
JAMES S. ARISMAN
Assistant Attorney General

Charges Issued

Foregoing Charges, Filed by the State of Vermont, as to Karen Preis, M.D., Docket No. MPS 135-1108, Vermont Board of Medical Practice, Are Hereby Issued.

Margaret Funk Martin
MARGARET FUNK MARTIN
Secretary, Board of Medical Practice

Sept. 28th 2009
Dated

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