

STATE OF VERMONT BOARD OF MEDICAL PRACTICE

In re: Charles E. Anderson, M.D.

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Docket Nos.: MPS 130-0805
MPS 83-0606

STIPULATION AND CONSENT ORDER

The State of Vermont, by and through Attorney General William H. Sorrell and Assistant Attorney General Terry Lovelace, and Respondent Charles E. Anderson, M.D. agree and stipulate as follows in the above-captioned matters,

1. Charles E. Anderson, M.D., Respondent holds Vermont medical license No. 042-0004875, issued by the Board of Medical Practice (hereinafter, "the Board") on May 4, 1971. Respondent practiced as a family physician until 2006, when he retired.¹
2. Jurisdiction in these matters vests with the Vermont Board of Medical Practice, pursuant to 26 V.S.A. §§ 1353-1357 and other authority.

I. Background.

3. Respondent has retired from the practice of medicine. Respondent wishes to resolve all matters involving him and the Vermont Board of Medical Practice.

A. Open Board Cases.

4. In August 2005, the Vermont Board of Medical Practice opened Docket No. MPS 130-0805 regarding prescribing for some patients by Respondent. The prescribed substances included human growth hormone, anabolic steroids, and testosterone. In June 2006, the Board opened a second complaint, Docket No. MPS 83-0606, filed by a patient

1. Respondent's Vermont medical license lapsed on November 30, 2006 and was not renewed.

who had been treated with human growth hormone by Respondent. The patient alleged no harm but complained that Respondent had refused to continue prescribing human growth hormone for her until she had been seen at his office for a follow-up visit and blood work.

5. Respondent in his practice and in published writing has a particular interest in "anti-aging" medicine, fitness, and human longevity.

B. Board Investigation.

6. Respondent cooperated fully with the Board's investigation, produced copies of relevant patient records in his possession, and provided several written responses and statements regarding his care of patients and his prescribing.

7. The Board's investigation found, *inter alia*, that a number of patient records prepared by Respondent with regard to the prescribing described in Paragraph 3, above, failed in some cases to properly document the required medical basis for such prescribing.

II. Agreement.

8. Consistent with Respondent's continued cooperation with the Board of Medical Practice, he agrees that if the State were to have filed charges in the presently open cases and to have satisfied its burden at hearing, a finding adverse to him could have been entered by the Board, pursuant to 26 V.S.A. § 1354.

9. Respondent disputes some allegations and legal theories of the State but agrees that the Board may enter as its facts and/or conclusions in this matter Paragraphs 3 through 7, above, and further agrees that this is an adequate basis for the Board actions set forth herein. Any representation herein by Respondent is made solely for the purposes set forth within this agreement.

10. Therefore, in light of his retirement from medicine and in the interest of his desire to resolve expeditiously all matters presently open before the Board of Medical practice, Respondent has determined that he shall enter into the instant agreement with the Board. Respondent enters no further admission here, but to resolve this matter without further time, expense, and uncertainty, Respondent has concluded that this agreement is acceptable and in the best interest of all parties.

11. Respondent acknowledges that he is knowingly and voluntarily entering into this agreement with the Vermont Board of Medical Practice. Respondent acknowledges and agrees that at all times and in all communications and proceedings related to the matters before the Vermont Board of Medical Practice and as to this agreement, he has had the right to be and has been represented by and advised by counsel. Respondent has carefully reviewed and considered this Stipulation and Consent with the assistance of counsel. Respondent is satisfied with all counsel and representation he has received.

12. Respondent agrees and understands that by executing this document he is waiving any right to challenge the jurisdiction and continuing jurisdiction of the Board in this matter, to be presented with a specification of charges and evidence, to cross-examine witnesses, and to offer evidence of his own to contest any allegations by the State. Therefore, Respondent has determined with advice of counsel that he shall enter into the terms and conditions of this Stipulation and Consent Order, as set forth below.

A. Open Matters.

13. Respondent wishes to resolve with finality all matters now pending before

the Vermont Board of Medical Practice.² In lieu of any possibility of future Board action, in light of his full and final retirement from the practice of medicine, Respondent no longer requires medical licensure and, therefore, agrees and warrants that at no future date shall he seek by any means or application licensure, reinstatement, or relicensure as a physician in the State of Vermont or elsewhere, regardless of circumstances or the passage of time. Respondent expressly agrees that hereafter the Board may and shall return to him without action or obligation of due process of any kind any application, motion, petition, or other writing from him with regard to licensure, reinstatement, or relicensure. Respondent expressly and voluntarily waives any right to confidentiality that he may possess as to the Board's investigative file in this matter should he, nonetheless, seek to apply for professional licensure or privileges in another jurisdiction at a later date.

15. The parties to this Stipulation and Consent Order agree that appropriate further disciplinary action in this matter also shall include entry of a public **REPRIMAND** of Respondent by the Vermont Board of Medical Practice for the matters set forth in Paragraphs 4-7.

16. The Vermont Board of Medical Practice agrees that upon Respondent's execution of this Stipulation and Consent Order and pursuant to the terms herein, all matters involving him that are currently open before the Board shall be administratively closed by the Board, *i.e.*, Docket Nos. MPS 130-0805, MPS 83-0606, and MP-45-A-0588 and MPS 44-0792. Thereafter, the Board will take no further action as to these matters, absent non-compliance with the terms and conditions of this document by Respondent.

2. Under the terms of this agreement and in light of Respondent's retirement from practice, the Board of Medical Practice also will close its files in Docket Nos. MP-45-A-0588 and MPS 44-0792, earlier matters that resulted in conditions on Respondent's Vermont medical license.

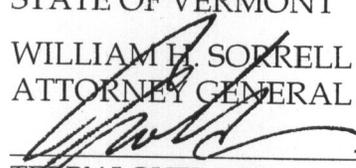
17. This Stipulation and Consent Order is conditioned upon its acceptance by the Vermont Board of Medical Practice. If the Board rejects any part of this document, the entire agreement shall be considered void. Respondent agrees that if the Board does not accept this agreement in its current form, he shall not assert in any subsequent proceeding any claim of prejudice from any such prior consideration. Respondent acknowledges and understands that this Stipulation and Consent Order shall be a matter of public record, shall be entered in his permanent Board file, shall constitute an enforceable legal agreement, and may and shall be reported to other licensing authorities. In exchange for the actions by the Board, as set forth herein, specifically including Paragraph 16, above, Respondent expressly agrees to be bound by all terms and conditions of this Stipulation and Consent Order.

18. The parties therefore jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Vermont Board of Medical Practice, the Board may enter an order implementing the terms and conditions herein, accepting Respondent's commitment not to reapply for a Vermont license to practice medicine, and entering a public **REPRIMAND** of Respondent as set forth above.

Dated at Montpelier, Vermont, this 23 day of December ~~2009~~ ²⁰⁰⁹ ✓

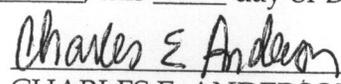
STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

by:


TERRY LOVELACE

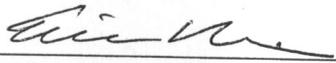
Assistant Attorney General

Dated at Colchester, VT, this 15 day of December ~~2009~~ ²⁰⁰⁹ ✓


CHARLES E. ANDERSON, M.D.

Respondent

Dated at Burlington, VT, this 22 day of December 2009.


ERIC S. MILLER, ESQ.
Counsel for Respondent

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**FOREGOING, AS TO CHARLES E. ANDERSON, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE**

<u></u>	_____
<u>Peter Hayes, MD.</u>	_____
<u>Joseph W. Chinn, MD</u>	_____
<u>Patricia A. King M.D.P.H.</u>	_____
<u>Don G. ...</u>	_____
<u>Scottie ... & Reynolds</u>	_____
<u>Jody ... MD</u>	_____

DATED: January 6, 2010 ENTERED AND EFFECTIVE: January 6, 2010

ANDERSON, Stipulation and Consent Order, Subject to Approval by the Vermont Board of Medical Practice, 7/09