

**STATE OF VERMONT  
BOARD OF MEDICAL PRACTICE**

In Re:

Kenneth James

Respondent

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MPS 56-0307

**RECEIVED**

**JUN - 8 2007**

**Vermont Board of  
Medical Practice**

Office of the  
ATTORNEY  
GENERAL  
109 State Street  
Montpelier, VT  
05609

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Medical Practice

**TEMPORARY AND VOLUNTARY CESSATION OF  
PRACTICE AGREEMENT**

**NOW COME Kenneth James, M.D.** (Respondent), and the State of Vermont, by and through Attorney General William H. Sorrell and the undersigned Assistant Attorney General, Margaret O. Vincent, and agree and stipulate as follows:

1. Kenneth James, M.D., holds Vermont Medical License Number 060-0003300, issued by the Vermont Board of Medical Practice on 6/01/2005. Until March 12, 2007 Respondent was a second-year resident at Fletcher Allen Hospital in the Psychiatric Residency Program.
2. Jurisdiction vests in the Vermont Board of Medical Practice (Board) by virtue of 26 V.S.A. §§ 1353-55 & 1398 and 3 V.S.A. §§ 809 & 814(c).

**I. Background.**

3. Dr. James received a limited temporary license in the State of Vermont in June 2005. He resigned from his residency at Fletcher Allen Hospital on March 12, 2007.
4. Based upon the Respondent's resignation from Fletcher Allen Hospital he has agreed to enter into this agreement with the Vermont Board of Medical Practice and shall refrain temporarily from any and all practice of medicine until further order of the Vermont Board. Respondent

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agrees that the instant agreement with the Vermont Board of Medical Practice sets forth in writing the terms for such a temporary and voluntary cessation of medical practice by him.

5. Respondent acknowledges that he is represented by counsel and has received legal advice and counsel regarding this matter. Respondent agrees and understands that by executing this document he is waiving on a temporary basis such rights as he may possess to challenge the jurisdiction and continuing jurisdiction of the Board in this matter, and to a public hearing on any motion that the State might have filed pursuant to 3 V.S.A. §§ 809 & 814. In sum, he agrees and fully understands that he is executing this document in lieu of any proceedings, findings, and order by the Board of Medical Practice, pursuant to 3 V.S.A. § 814(c). Respondent voluntarily and knowingly agrees to the terms and conditions herein. Respondent reserves the right to raise challenges to the Board's jurisdiction and to request a public hearing, at a future date.

## **II. Terms as to Cessation of Practice.**

### **Cease and Desist.**

6. It is agreed by the parties that, following Respondent's execution of this agreement, Respondent shall temporarily desist from any and all practice of medicine, including prescribing of medication of any kind, and conducting therapeutic counseling, in the State of Vermont or elsewhere and shall surrender his license to the Board on the effective date

of this agreement. Respondent shall fully comply with all terms of this Temporary and Voluntary Cessation of Practice Agreement. Respondent understands and agrees that his cooperation and compliance with the terms and conditions herein may be considered in any subsequent proceeding before the Board. Respondent's entry into this Agreement does not constitute an admission of any wrongdoing, nor shall the fact that he entered into this Agreement be used against him in any subsequent proceeding unless there is noncompliance of this Agreement, i.e. practicing in violation of the Agreement.

7. Respondent agrees he has read and carefully considered all terms and conditions herein and agrees to accept and be bound by such terms on a temporary basis.

8. The parties agree that this agreement **does not constitute disciplinary action** and does not constitute a bar to other action by the Board at a later date relative to his Vermont medical license. Nor does this agreement limit Respondent's ability to challenge such action. The parties agree that this Temporary and Voluntary Cessation of Practice Agreement shall be a public document, shall be made part of the Respondent's licensing file and may be reported to other licensing authorities including, but not limited to, the National Practitioner Data Base and the Federation of State Medical Boards.

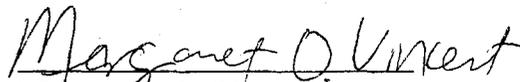
9. This Temporary and Voluntary Cessation of Practice

Agreement is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until presented to and approved by the Board. If the Board rejects any part of this agreement, the entire agreement shall be considered void. The parties agree and request that the Board enter an order adopting the terms and conditions set forth herein. Respondent agrees that the Board shall retain jurisdiction to enforce as necessary the terms and conditions herein, pursuant to 26 VSA §1354 (25), or other statutory authority.

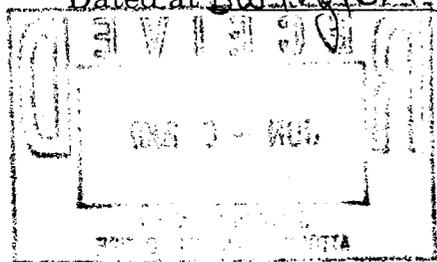
10. This Temporary and Voluntary Cessation of Practice Agreement shall remain in effect until either the Vermont Medical Practice Board takes other action or the Respondent seeks to apply for his limited temporary license.

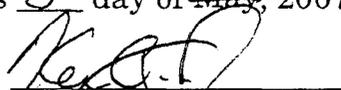
Dated at Montpelier, Vermont this 1 day of <sup>June</sup>~~May~~ 2007.

**ATTORNEY GENERAL  
STATE OF VERMONT  
BY**

  
Margaret O. Vincent  
Assistant Attorney General

Dated at Burlington, Vermont this 5<sup>th</sup> day of <sup>June</sup>~~May~~, 2007.



  
Kenneth James, M.D.  
Respondent

FOREGOING, AS TO Kenneth James, M.D.,  
APPROVED AND ORDERED, VERMONT BOARD  
OF MEDICAL PRACTICE:

ON BEHALF OF THE BOARD



David Clauss, M.D. Physician Member  
Chair, Vermont Board of Medical Practice

DATED:

6/8/07

ENTERED & EFFECTIVE:

6/8/07