

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In Re: Alban J. Coghlan, M.D. Docket No. MPC 112 – 112-0806

Board Review and Order

The Hearing Committee (“Committee”) assigned by the Vermont Board of Medical Practice (“Board”) submitted its Proposed Findings, Conclusions and Order (“proposals”) in this matter to the full Board on February 16, 2011.¹

The Board held a hearing to consider the Committee’s proposals as provided in 26 VSA § 1355 (b) on March 2, 2011 in Randolph, Vermont. The State was represented by Assistant Attorney General Jacob A. Humber. Respondent was represented by Attorney R. Joseph O’Rourke. The State had no objection to the Committee’s proposals.

Atty. O’Rourke proposed changes to Conditions 3 and 6 of the Committee’s proposed order. He explained the changes were designed to enable Respondent to work as either an employee or an “independent contractor.” Atty. O’Rourke pointed out that if the Board adopted his proposed changes, the Board would retain the right under the order to reject Respondent’s employment contract.

The Board voted to adopt the Committee’s Findings, Conclusions and Order with the amendments² to conditions 3 and 6 proposed by Attorney O’Rourke.

Amended Order

- (1) Respondent shall end any, and all, private, independent practice of medicine in the State of Vermont and shall close out such practice within sixty days of his receipt of this order;
- (2) Respondent’s license to practice medicine in the State of Vermont shall be suspended for sixty days as soon as the Board receives notice from the Respondent that he has closed out all independent, private practice; or at sixty days from receipt of this order, whichever is first;
- (3) Upon completion of his sixty-day suspension period, Respondent may resume the practice of medicine in Vermont only as an employee of, and/or independent

¹ The Hearing Committee reported its recommendations within the 60 days required under 26 VSA § 1355 (b). Hearings in this matter were held on December 6 and 7, 2010. The evidence was not formally “closed” until December 28, 2010. This was done by the agreement of the parties in order to give the Respondent the opportunity to submit additional exhibits.

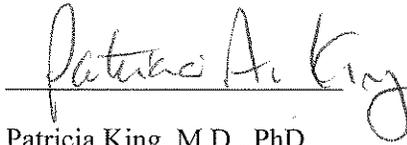
² The Hearing Officer, Robert Simpson, confirms that the language of the amendments to Conditions 3 and 6 was approved by Attorney O’Rourke and Atty. Humbert on March 3, 2011.

contractor for, a licensed Vermont medical services provider under a written contract filed with the Board. Any such employment shall be approved in advance by the Board;

- (4) Within one year of receipt of this order, Respondent shall successfully complete a Board approved course in Medical Ethics which includes specific training regarding the prescribing of medications;
- (5) If Respondent fails to renew his license in a timely fashion as required by law, Respondent's license to practice medicine shall be terminated without right to reinstatement;
- (6) If Respondent writes any prescription that is not directly attributable to his responsibilities as an employee or as an independent contractor (under a written contract filed with the Board) of a licensed Vermont medical services provider, Respondent's license to practice medicine shall be terminated without right to reinstatement;
- (7) Members of the Board investigative staff are directed to monitor compliance with this order.

The Vermont Board of Medical Practice hereby adjudges and orders that the Findings, Conclusions and Amended Order (above) of the Committee are adopted.

Signed on behalf of the Board of Medical Practice pursuant to 3 V.S.A. 812 (b)



Patricia King, M.D., PhD

MD PhD

March 24, 2011

Chair