



*Statutory framework*

6. The Board has the power and duty to “investigate all complaints and charges of unprofessional conduct against any holder of a license or certificate, or any medical practitioner practicing pursuant to section 1313 of this title, and to hold hearings to determine whether such charges are substantiated or unsubstantiated.” 26 V.S.A. § 1353(2).
7. Vermont law provides that the “practicing the profession when mentally or physically unfit to do so” constitutes unprofessional conduct by a licensed podiatrist. 26 V.S.A. § 375(c)(2).

*Cessation of Practice*

8. Respondent acknowledges that he has had the opportunity to seek the advice of counsel regarding this matter before the Board and in reviewing this agreement. He agrees and fully understands that by executing this document he is waiving the necessity of any proceedings, findings, and order by the Board, pursuant to 3 V.S.A. § 814(c), so as to achieve disposition of this matter. Thus, Respondent voluntarily and knowingly agrees to the terms and conditions herein.
9. **It is agreed by the parties that Respondent has indicated that he will cease the practice of podiatry in the State of Vermont.** Respondent agrees that he shall refrain, following execution of this agreement, from any and all practice of podiatry in the State of Vermont, until: (a) consistent with 26 V.S.A. § 375(c)(2) he has shown proof that he is mentally and physically fit to practice podiatry safely; and (b) further order of the Board.

10. The parties agree that Respondent may apply for modification or relief from the terms ~~and conditions of this agreement, so as to permit his to return to the practice of~~ podiatry, when he has demonstrated that he is able to resume the practice of podiatry in accord with the laws, rules and standards recognized by the Vermont Board of Medical Practice. The Board agrees that this agreement may be modified or Respondent wholly relieved of its terms and conditions, provided: (1) that the Board is satisfied that Respondent is mentally and physically fit to practice podiatry safely; and (2) Respondent meets all other usual and customary requirements for licensure and practice as a physician in the State of Vermont. Respondent may submit a report of an independent evaluator as proof of Respondent's mental and physical fitness to practice podiatry, however, he acknowledges that the Board may request that he submit to further evaluation. Respondent expressly agrees that he shall promptly sign all consents and/or waivers of confidentiality that may reasonably be required to permit complete disclosure of such information so that the Board may consider any petition from Respondent seeking approval of his return to the practice of podiatry in Vermont.
11. Respondent agrees that he has read and carefully considered all terms and conditions herein and agrees that these may be adopted as an enforceable order of the Board, pursuant to 3 V.S.A. §§ 129(a)(3), 809(d) and 26 V.S.A. § 1353 and agrees to accept and be bound by all terms and conditions herein until such time as he is expressly relieved of them or they are modified, in writing, by the Board.
12. The parties agree that this agreement does not constitute disciplinary action. However, the parties acknowledge that this Cessation of Practice Agreement shall be a public document and shall be made a part of Respondent's licensing file.

Respondent's license status will be changed to "Cessation of Practice." It is understood and agreed by the parties that this designation does not signify that disciplinary action has been taken by the Board.

13. This 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 of Medical Practice shall retain jurisdiction in this matter and may enforce as necessary the terms set forth herein.

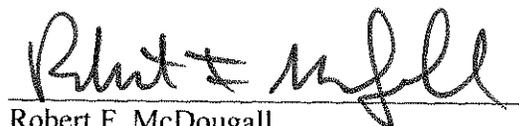
SIGNATURES

DATED at Montpelier, Vermont, this 25<sup>th</sup> day of September, 2012.

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

By:



Robert F. McDougall  
Assistant Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, VT 05609

DATED at Elm, NH, this 24 day of SEPTEMBER, 2012.  
(city) (state)



John E. Connolly, D.P.M.

Respondent

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

FOREGOING, AS TO JOHN E. CONNOLLY, D.P.M.

APPROVED AND ORDERED  
VERMONT BOARD OF MEDICAL PRACTICE

John Daddini MD  


James M. Gillant, M.D.

Datrice A. King M.D.

David A. Jenkins

Robert J. Maynard MD

Carol A. Diamond

DATED:

October 9, 2012

ENTERED AND EFFECTIVE:

October 9, 2012