

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In re: Alban J. Coghlan, M.D.) Docket No. MPC 112-0806

STIPULATION OF THE PARTIES

NOW COME the State of Vermont, by and through Vermont Attorney General William H. Sorrell, and Alban J. Coghlan by his counsel Joseph O'Rourke, and hereby submits the following Stipulation of the Parties:

1. Alban J. Coghlan, M.D. ("Respondent") holds Vermont medical license number 042-0005324 issued by the Vermont Board of Medical Practice ("the Board") on July 25, 1974.
2. Jurisdiction rests with the Board pursuant to 26 V.S.A. §§ 1353, 1354, 1398 and 3 V.S.A. §§ 809 and 814(c).

Background and Procedural History

3. On February 12, 2010, the State of Vermont filed a ten-count Specification of Charges against Respondent alleging that he had engaged in unprofessional conduct in violation of several provisions of 26 V.S.A. § 1354. *See* Specification of Charges, February 12, 2010.
4. On December 6 and 7, 2010, a hearing committee of the Board conducted a hearing to consider whether the State could prove its allegations. Respondent was represented by counsel. *See* Proposed Decision and Order, February 16, 2011 at 1.
5. On February 16, 2011, the hearing committee entered its Proposed Decision and Order, finding Respondent had committed unprofessional conduct in violation of

Vermont law and the Board's rules. *Id.* at 13-14. The hearing committee found in favor of the State on all ten counts. *Id.* at 2-13.

6. On March 2, 2011, the Board held a hearing to consider the hearing committee's Proposed Decision and Order. *See* Order of March 24, 2011. Respondent was represented by counsel. *Id.*
7. On March 24, 2011 the Board issued its Order, adopting the hearing committee's Findings of Fact, Conclusions of Law and Order, but incorporating two amendments to conditions 3 and 6 which were proposed by Respondent. *Id.*
8. The Order included, *inter alia*, Condition 3 which states:

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 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;

Id.

9. The Order was issued on March 24, 2011 and no appeal was taken.
10. Respondent filed a Motion for Relief from Order ("Respondent's Motion") with the Board on May 23, 2012 requesting, among other things, that Condition 3 be stricken by the Board.
11. The State submitted a Response to Respondent's Motion on June 29, 2012.
12. The Board considered Respondent's Motion at its August 1, 2012 hearing. The Board deliberated and determined to reject all requests of Respondent. The hearing officer

orally informed the parties that the Board would be willing to consider a later request by Respondent to revise Condition 3.

Stipulation

13. The Parties have conferred and now jointly stipulate and request the Board to amend Condition 3 of its March 24, 2011 Order as follows:

Upon completion of a sixty-day suspension period, Respondent may resume the practice of medicine in Vermont only in association with or as an employee of and/or independent contractor for a licensed Vermont mental health care provider. Respondent will notify the Board of such employment within 10 days of his employment. Respondent shall also provide the Board with a copy of a written agreement concerning his employment within 10 days of such employment. The Board expects that Respondent will be directly supervised in the course of any future employment by a licensed Vermont mental health care provider. The Board may disapprove of such employment after notice to the Board by Respondent of his employment, in which case Respondent will terminate his employment immediately, but may seek other employment following the same 10 day post-employment notice provision.

14. The Central Investigative Committee ("the Committee"), the committee that investigated Respondent initially, has considered this Stipulation and recommends Board approval. The Committee believes that amending Condition 3 as described above will serve the purpose of ensuring that, if Respondent chooses to resume the practice of medicine he does so under direct supervision as an employee and not in solo practice, while at the same time responding to the expressed concern of Respondent that Condition 3 as presently set out has been prohibitive on his obtaining employment.

SIGNATURES

DATED at Montpelier, Vermont, this _____ day of _____, 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 Rutland, Vermont, this 26th day of Sept, 2012.

Alban J. Coghlan
Alban Coghlan, M.D.

Respondent

DATED at Rutland, Vermont, this 26th day of September, 2012.

R. Joseph O'Rourke
R. Joseph O'Rourke, Esq.
Ryan Smith & Carbine, Ltd.
98 Merchants Row
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Counsel for Respondent

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109 State Street
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AS TO ALBAN COGHLAN, M.D.

APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

John Daddino

[Signature]

Carol A. Diamond

Sh. Miller

Patricia A. King M.D.

W. [Signature]

DATED: October 3, 2012

ENTERED AND EFFECTIVE: October 3, 2012

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