



State of Vermont
Department of Health
Board of Medical Practice
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Agency of Human Services

January 18, 2013

Jon Porter, M.D.
Director
University of Vermont Center for Health and Wellbeing
425 Pearl Street
Burlington, VT 05401-3498

Dear Dr. Porter:

This is a reply to your letter of January 7, 2013. You asked me to remove your name from the "Board Actions" section of the Board's website. The Board cannot grant your request for the reasons set forth below.

The Board's practices with regard to information about licensees were developed around two sections of Vermont law. One of these is 26 V.S.A. § 1318, which directs the Commissioner of Health to maintain a public record of certain information about Board of Medical Practice complaints. The statute directs, "with respect to complaints resulting in filing of disciplinary charges or stipulations or the taking of disciplinary action," the disclosure of certain additional information, including the name of the licensee, the charges, the findings of the Board, etc. 26 V.S.A. § 1318(c)(2) (emphasis added). As indicated by the underlined language, this is a requirement in all cases in which charges are filed, not only those cases in which charges resulted in stipulated or contested findings against a licensee.

The other statute that bears on this issue is 26 V.S.A. § 1368(a)(3), which mandates that certain information about licensees is collected and disseminated to the public. Part of what is required to be posted for the public is: "a description of any formal charges served." Just as with 26 V.S.A. § 1318, the statute applies to all cases in which charges are made, not only instances in which the charges result in adverse findings and discipline.

Accordingly, the report of charges will remain on the Board's website. In looking at this, I realized that our site was not updated to include reference to the final disposition of the matter with the Vermont Supreme Court. That has been corrected.

A handwritten signature in black ink, appearing to read "David K. Herlihy".

David K. Herlihy
Executive Director

cc: Patricia King, M.D., Ph.D.
Crocker Bennett, Esq.

