

**STATE OF VERMONT  
BOARD OF MEDICAL PRACTICE**

In re: James A. Most, M.D.

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Docket No. MPN 94-0902

**SECOND AMENDMENT TO  
STIPULATION AND INTERIM CONSENT ORDER**

NOW COME James A. Most, M.D. (Respondent), and the State of Vermont, by and through Attorney General William H. Sorrell and Assistant Attorney General James S. Arisman, and agree and stipulate as follows:

1. James A. Most, M.D., Respondent, holds Vermont Medical License Number 042-0010395, issued on May 2, 2002.
2. Jurisdiction vests with the Vermont Board of Medical Practice (Board), pursuant to 26 V.S.A. §§ 1353, 1354, & 1398 and 3 V.S.A. §§ 809 & 814(c).
3. By Stipulation and Interim Consent Order dated October 2, 2002 Respondent agreed to entry of a Board order summarily suspending his license to practice medicine in the State of Vermont for 60 days and agreed, inter alia, to a series of steps that included referral by the Board of his name to the Vermont Practitioner Health Program (VPHP). By subsequent agreement of the parties the initial agreement was extended by an additional 30 days to permit Respondent to meet with the assigned investigative committee and for relevant information and records to be reviewed.
4. The parties have conferred continuously regarding this case and contemplate that a "final" agreement in this matter may be forthcoming. Due to the impending holiday season and the necessary absence from the jurisdiction of Respondent's attorney, and

pursuant Paragraph 8(f) of the original October 2, 2002 Stipulation and Interim Consent Order, the parties now jointly request extension of the terms of the original order until c.o.b. January 31, 2003 so as to permit the parties to complete discussions and present to the Board any agreement that they may be successful in achieving.

5. In the unlikely event that it should prove necessary, either party may file on or before January 31, 2003 a motion to further continue the terms of the October 2, 2002 Stipulation and Interim Consent Order or to modify such terms, pursuant to Paragraph 8(f) of the original October 2, 2002 agreement. All other terms of the October 2, 2002 agreement shall remain the same unless or until modified by the Board. Pursuant to Paragraph 8(f) of the October 2, 2002 Stipulation and Interim Consent Order either party may file a motion with regard to the continuance of the summary suspension in this matter.

6. The parties agree that nothing contained herein shall limit Respondent's right to seek at a later date prompt presentation of a formal specification of charges and to demand a prompt hearing on the merits regarding these charges, pursuant to 26 V.S.A. §§ 1354, 1360, 1361 & 1398; 3 V.S.A. § 814(c); and other relevant authorities.

7. This proposed second amendment to the October 2, 2002 Stipulation and Interim Consent Order is conditioned upon its acceptance by the Vermont Board of Medical Practice. If the Board rejects any part of this document, the entire agreement shall be considered void. If approved, Respondent agrees to be bound by the terms and conditions of the amended Stipulation and Interim Consent Order pending further proceedings or order of the Board of Medical Practice.

8. The parties therefore jointly agree that should the terms and conditions of this proposed amendment to the October 2, 2002 Stipulation and Interim Consent Order be deemed acceptable by the Board of Medical Practice, the Board may enter an order extending such agreement, as set forth herein, through c.o.b. January 31, 2002. <sup>3 JSA</sup>

Dated at Montpelier, Vermont, this 23<sup>rd</sup> day of December 2002.

WILLIAM H. SORRELL  
ATTORNEY GENERAL

by: James S Arisman  
JAMES S. ARISMAN  
Assistant Attorney General

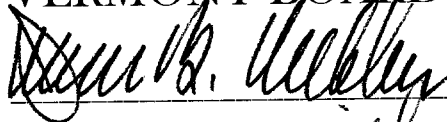
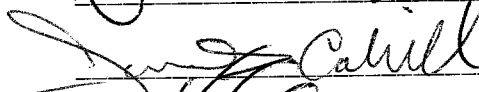
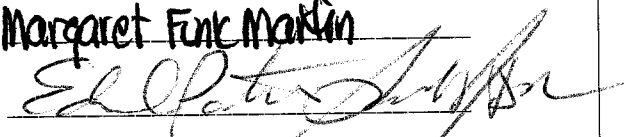
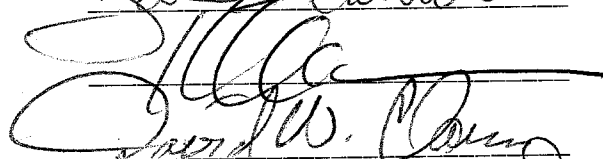
Dated at Manchester, Vermont, this 23<sup>rd</sup> day of December 2002.

James A. Most  
JAMES A. MOST, M.D.  
Respondent

Dated at Bennington, Vermont, this 21<sup>st</sup> day of December 2002.

David F. Silver  
DAVID F. SILVER, ESQ.  
Counsel for Respondent

FOREGOING, AS TO MEDICAL LICENSE OF JAMES A. MOST, M.D.,  
APPROVED AND ORDERED  
VERMONT BOARD OF MEDICAL PRACTICE

 _____	Margaret Funk Martin _____
 _____	 _____
 _____	_____
David W. [unclear] _____	_____
H. Walden [unclear] _____	_____
Renee [unclear] _____	_____

DATED: January 8, 2003

ENTERED AND EFFECTIVE: January 8, 2003

JSA: MOST STIPULATION—SECOND AMENDMENT; 12/02 (NOT FULLY EFFECTIVE UNTIL APPROVED BY BOARD)