

SCANNED

e mailed response

9/5/14

DH

PHILIP F. WATERMAN II, M.D.

Gynecology,
Infertility & Genetics
Fellow American
College of Obstetrics
and Gynecology

650 Del Prado Blvd.
Suite 100
Cape Coral, Florida 33990
239/574 8200
FAX 239/574 8928

August 29, 2014

State of Vermont
Department of Health
108 Cherry Street
P.O. Box #70
Burlington, VT 05402-0070

SEP - 5 2014

TO WHOM IT MAY CONCERN:

It has come to my attention that there are some new requirements regarding CME for maintenance of a Vermont Medical License; one credit for hospice palliative and pain management and one credit for prescribing of controlled substances. As an obstetrician-gynecologist, I subscribe to the American College of OB/GYN update series and just completed three hours of CME titled "Deadly Prescriptions: How To Protect Your Patients". I am enclosing a copy of the transcription of that CME as well as the test at the end of the transcript and a copy of the test results, which showed that I answered 100 percent of the questions correctly. It is my hope that you will accept this to fulfill the new requirements. I am also enclosing a copy of other CME credits from October of 2013 through June of 2014, which more than cover the thirty hours of total credits required.

Thank you for your time and efforts.

Sincerely,



Philip F. Waterman II, M.D., F.A.C.O.G.

PFW:amm

Enclosures

Office of the Vermont Secretary of State
Redstone Building, 26 Terrace Street

Mall: 109 State Street
Montpelier, VT 05609-1101



Donald M. Hooper
Secretary of State

Claudia Horack Bristow
Deputy Secretary of State

VERMONT BOARD OF MEDICAL PRACTICE

July 29, 1994

Philip Freidin, Esq.
Freidin & Hirsh, P.A.
Suite 2500
44 West Flagler Street
Miami, FL 33130

Re: Maisel v. Waterman

Dear Mr. Freidin:

Sienna Walton, counsel for the Vermont Board of Medical Practice, told you in her letter dated July 26, 1994, that the application file of Philip F. Waterman, II, M.D., would be forwarded to you. Please find a certified copy of same under cover of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Gloria J. Hurd".

Gloria J. Hurd
Administrative Assistant

/h

cc: Sienna Walton, Assistant General Counsel

Office of the Vermont Secretary of State
Redstone Building, 26 Terrace Street

Mail: 109 State Street
Montpelier, VT 05609-1101



Donald M. Hooper
Secretary of State

Claudia Horack Bristow
Deputy Secretary of State

VERMONT BOARD OF MEDICAL PRACTICE

CERTIFICATION

I, Gloria J. Hurd, Administrative Assistant, Custodian of the Records, HEREBY certify that the attached is a true and accurate copy of the application file, together with subsequent renewal applications, of Philip F. Waterman, II, M.D.; date of birth, [REDACTED] issued license number 042-0005419 as a physician in the State of Vermont on January 29, 1975.

ATTEST:

Gloria J. Hurd

DATED:

July 29, 1994

*Not exact copy -
license cards not
duplicated from
original packet.*



BOARD OF MEDICAL REGISTRATION
DR. A. D. SUTHERLAND, PRESIDENT
P.O. Box 678
BRATTLEBORO, VERMONT 05301

file - Waterman
Licensed
See me
License # 5419

10 December 1974

TO: Members of the Board
SUBJECT: Licensure of Philip F. Waterman II, M.D.
FROM: Allan D. Sutherland, M.D.

Gentlemen:

At the Board meeting, held in Montpelier on September 23, 1974, the question of issuing a Vermont license to individuals who had taken the FLEX examination in another State was discussed. It was felt that no license should be issued to such individuals. The question was raised and discussed because the above-named physician had requested that he be issued a Vermont license. The general feeling of those members of the Board present at the meeting was that such individuals should get a license from the State in which they took the examination and then apply to Vermont for licensure by endorsement. However, no specific action was taken in response to a motion.

The above-named individual took the Michigan FLEX examination in June 1974. He passed this examination

He is presently serving an OBS residency at the Medical Center Hospitals of Vermont.

Because we had at first refused to license Dr. Waterman, he has appealed to the Appeals Panel. A hearing on his appeal is set for Monday, December 23, 1974 at 2:00 p.m.

I have correspondence with Dr. Waterman on the matter of his licensure in Vermont, which I am enclosing herewith. I am also enclosing a certified copy of his FLEX scores from the Michigan Board. I am anxious to avoid a hearing before the Appeal Panel because I believe the decision will go against us and we will be ordered to license Dr. Waterman.

There seems to be no question as to Dr. Waterman's qualification for licensure in Vermont. The question now is: Shall the Board issue Dr. Waterman a license to practise Medicine and Surgery in Vermont on the basis of his having successfully passed the Michigan FLEX? Please read over the enclosed material, forward it at once to the next in line, and write me your opinion. Speed is essential.

Yours very truly,

Allan
Allan D. Sutherland, M.D.

Forward to: Worthington, Stimets, Farmer, Paulsen.



Medical Center Hospital of Vermont

BURLINGTON, VERMONT 05401

October 1, 1974

Board of Medical Registration

Dear Board Member,

I have recently moved from Michigan to Vermont for a residency in Obstetrics and Gynecology at the Medical Center Hospital of Vermont. I received my M.D. degree from the University of Michigan in Ann Arbor, Michigan in June 1974.

However, I spent the last year in Grand Rapids, Michigan as part of a special program in which seven of my class of 209 students participated in a rotating internship. In June 1974 I took FLEX in Michigan,

Since my arrival in Vermont, I have been attempting to obtain a license to practice medicine but due to several mixups I still have not received even my temporary license. I have recently been informed by Cindy Lane of the Office of Licensure and Regulation and by Dr. Malcolm J. Paulson, M.D. of the Board of Medical Registration that I will be unable to obtain a permanent license at this time because I took FLEX in Michigan.

Since Vermont law allows licensure upon fulfilling the following:

- " 1396 Requirements for admission to practice:
- 1) Academic: ... high school education ... and two years' course of study in a college of arts and sciences.
 - 2) Medical: Be a graduate of a medical college approved by the board.
 - 3) Moral: ...
 - 4) Examination: ...
- " 1393 Examinations: ...The subjects covered by National Board or FLEX examination shall be considered to have met the requirements of this section... a general average of seventy-five percent to entitle him to a license ..."

it seems totally unfair to deny me a license. This is especially true

Board of Directors
October 1, 1974
Page 2

since I had to borrow \$1000 in order to move from Michigan to Vermont to accept a position in one of the worst paying residencies in the country, and in order to make extra money in emergency rooms, etc., it is necessary to have a permanent license.

Thus it appears that I am being punished financially twice by being denied a license. It also appears to be unequal treatment under the law as anyone who took FLEX in Vermont would not be denied the opportunity to make extra money to help support his family. The law as presently written makes no mention of where the FLEX must be taken.

Thus in the interest of fairness as well as my financial well being I am requesting that you re-read the law and reconsider your decision to deny me a permanent license to practice medicine in Vermont.

In the event ~~that~~ you fail to reconsider, I am requesting a hearing before the Professional and Occupational Appeals Board to appeal your decision. I sincerely hope you will make such an appeal unnecessary.

Sincerely,

A handwritten signature in cursive script that reads "Philip F. Waterman II M.D." The signature is written in dark ink and is positioned below the typed name.

Philip F. Waterman, II, M.D.

30 October 1974

Philip F. Waterman II, M.D.



Dear Dr. Waterman:

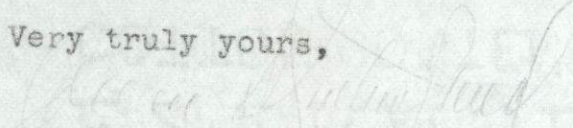
Your letters of October 15 and October 28 are acknowledged.

Referring to my letter to you of October 10, 1974, you will not that the Board is willing to reconsider its decision, "but it needs some documentation on which to base its reconsideration. The most essential documentation is a certified copy from the Michigan Board of your marks on June FLEX."

It would simplify matters were you to apply for and receive your Michigan license for which you have satisfied all the requirements. You could then be license in Vermont by endorsement of your Michigan certificate; expensive, I grant, but simple. Can you not do this?

Please let me hear from you.

Very truly yours,


Allan D. Sutherland, M.D.
President
Board of Medical Registration.



Medical Center Hospital of Vermont

BURLINGTON, VERMONT 05401

28 Oct, 1974

Dear Dr. Sutherland,

To keep you up to date on my attempt to obtain a permanent license in Vermont, I have enclosed copies of two letters from the Michigan Board. The first is dated Aug 23, 1974 and is a copy of a letter which had a computer strip stapled to it containing my FLEX scores. The second dated Oct 21, 1974 is a letter I just received in response to my request for scores for you and as you can see, they request \$25 and the Vermont licensure application. Would you please let me know which forms will be necessary for as I mentioned previously, I am anxious to complete my application process & receive my license as soon as possible.

Thank you for your time.

Sincerely,

Philip F. Watson II

10 October 1974

Philip F. Waterman II, M.D.
Medical Center Hospital of Vermont
Burlington, Vermont 05401

Dear Dr. Waterman:

This will acknowledge receipt of your letter of October 1st addressed to the Board of Medical Registration. I assume other members of the Board received copies of the same.

You indicate that you took the FLEX examination in Michigan in June 1974, obtaining a weighted average of [redacted]. Considering the difficult FLEX examination, this is an excellent score.

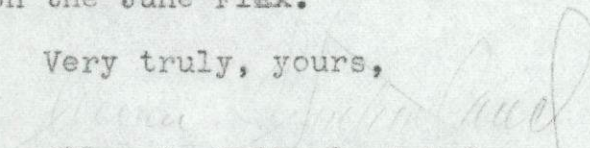
Section 1393 of Title 26 V.S.A. does indeed require ~~that~~ a general average of 75% for an examinee to be eligible for licensure in Vermont, but 1393 further states that the examinee shall have received no mark in any subject below 60%. Could you obtain and forward to us a certified copy from the Michigan Board of the Marks you received on the FLEX?

A question in the mind of the Board was: "Why, if he successfully passed the FLEX in Michigan, did he not apply for and receive a license in Michigan?" Had you received a Michigan license, you would have been eligible for licensure in Vermont by endorsement of your Michigan certificate. Is it too late for you to do this now?

It is not the Board's intention to "punish" or penalize anyone. I regret that you feel that this was the Board's intent.

The Board is perfectly willing to reconsider its decision, but it needs some documentation on which to base its reconsideration. The most essential documentation is a certified copy from the Michigan Board of your marks on the June FLEX.

Very truly, yours,


Allan D. Sutherland, M.D.



Medical Center Hospital of Vermont

BURLINGTON, VERMONT 05401

October 1, 1974

Board of Medical Registration

Dear Board Member,

I have recently moved from Michigan to Vermont for a residency in Obstetrics and Gynecology at the Medical Center Hospital of Vermont. I received my M.D. degree from the University of Michigan in Ann Arbor, Michigan in June 1974.

However, I spent the last year in Grand Rapids, Michigan as part of a special program in which seven of my class of 209 students participated in a rotating internship. In June 1974 I took FLEX in Michigan, receiving an overall score of seventy-nine.

Since my arrival in Vermont, I have been attempting to obtain a license to practice medicine but due to several mixups I still have not received even my temporary license. I have recently been informed by Cindy Lane of the Office of Licensure and Regulation and by Dr. Malcolm J. Paulson, M.D. of the Board of Medical Registration that I will be unable to obtain a permanent license at this time because I took FLEX in Michigan.

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 - 4) Examination: ...
- " 1393 Examinations: ...The subjects covered by National Board or FLEX examination shall be considered to have met the requirements of this section... a general average of seventy-five percent to entitle him to a license ..."

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Board of Directors
October 1, 1974
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Thus in the interest of fairness as well as my financial well being I am requesting that you re-read the law and reconsider your decision to deny me a permanent license to practice medicine in Vermont.

In the event ~~th~~at you fail to reconsider, I am requesting a hearing before the Professional and Occupational Appeals Board to appeal your decision. I sincerely hope you will make such an appeal unnecessary.

Sincerely,

Philip F. Waterman II M.D.

Philip F. Waterman, II, M.D.



STATE OF VERMONT
SECRETARY OF STATE
MONTPELIER

December 2, 1974

Board of Medical Registration
Division of Licensing and Registration
126 State Street
Montpelier, VT 05602

Re: Appeal of Philip F. Waterman II, M.D.

Gentlemen:

As shown in the enclosed copy of a letter directed to Dr. Waterman his appeal to the Appeals Panel has been set for Monday, December 23, 1974, at 2 p.m., at this office.

Under the statute which created the Appeals Panel, No. 267 of the Acts of 1974, the panel consists of five (5) members. Three (3) of these members are permanent; at the present time, these members are Richard C. Thomas, Secretary of State and Chairman of the Panel, Thomas J. Carpenter, Sr., of Rutland, and M. Lesley Bell of Barre.

For each appeal heard by the Panel, two (2) ad hoc members are added. As set forth in the statute, these two (2) ad hoc members are appointed by the Chairman of the particular Board involved in the appeal. An additional requirement is that none of these two (2) ad hoc members can have participated in the consideration of the contested case at the hearing before the board itself. Thus a board member can only be appointed as an ad hoc member of the panel if he or she was not involved in the decision rendered by the board.

Accordingly, it is incumbent upon the Chairman of the Board of Medical Registration to appoint two (2) ad hoc members to sit on the Appeals Panel for the consideration of Dr. Waterman's appeal, subject to the above limitations. Most likely, these appointees will be members of the profession who are not board members.

Please advise the office of the Secretary of State as soon as these appointments are made. If any questions arise, please do not hesitate to contact this office.

Yours sincerely,

A handwritten signature in blue ink that reads "Richard C. Thomas" with a stylized flourish underneath.

Richard C. Thomas
Chairman of Appeals Panel

RCT:dam



STATE OF VERMONT
SECRETARY OF STATE
MONTPELIER

December 2, 1974

Philip F. Waterman II, M.D.
Medical Center Hospital of Vermont
Burlington, VT 05401

Dear Dr. Waterman:

The newly-formed Appeals Panel for the Division of Licensing and Registration held its organizational meeting on November 29, and has set down your appeal from the Board of Medical Registration for:

Monday, December 23, 1974 at 2 p.m., at the conference room at the office of the Secretary of State, 2nd floor, Pavilion Office Building, Montpelier, Vermont.

The Appeals Panel has waived the statutory requirement, for its initial cases, of the necessity of any appeal having to have been filed within 30 days of the Board's decision from which the appeal was taken.

If you have not already done so the Appeals Panel also asks that each appellant specify which regulation, statute, or ruling is brought into question by each appeal and what particular relief is sought by you at this hearing.

If you have any questions with regard to this matter or the procedure involved, please do not hesitate to contact this office.

Yours sincerely,

A handwritten signature in cursive script that reads "Richard C. Thomas".

Richard C. Thomas
Chairman of Appeals Panel

RCT:dsm

cc: Board of Medical Registration

RICHARD C. THOMAS
SECRETARY OF STATE

ROBERT H. GIBSON
DEPUTY



STATE OF VERMONT
SECRETARY OF STATE
MONTPELIER

December 5, 1974

Board of Medical Registration
Division of Licensing and Registration
126 State Street
Montpelier, VT 05602

Gentlemen:

Enclosed for your information is a copy of the letter of
Appeal submitted by Philip F. Waterman II, M.D.

Yours sincerely,

A handwritten signature in blue ink that reads "Richard C. Thomas".

Richard C. Thomas
Secretary of State

RCT:dsm

Enclosure



Medical Center Hospital of Vermont

BURLINGTON, VERMONT 05401

October 1, 1974

Richard C. Thomas
Secretary of State
Montpelier, Vermont

Dear Mr. Thomas,

Enclosed is a copy of a letter I have sent to each member of the Board of Medical Registration concerning my application for a license to practice medicine in Vermont. From my reading of the text of the law, it seems that I have fulfilled all the requirements and deserve to be awarded a license.


Since I have been refused a license, I wish to appeal the decision to the Professional and Occupational Appeals Board. And since I need the license as soon as possible, I would appreciate action as promptly as is feasible.

Sincerely,

Philip F. Waterman II M.D.

Philip F. Waterman, II, M.D.

November 29, 1974

Philip F. Waterman II, M.D.


Dear Doctor Waterman,

We have received the \$25.00 fee for certification of your Michigan medical licensure to the State of Vermont, and have forwarded the application form, properly completed, to the Vermont Board of Medical Registration.

Sincerely yours,

MICHIGAN MEDICAL PRACTICE BOARD

C. Allen Payne, M.D.
President

cc: Dr. A.D. Sutherland, President
