



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

May 13, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Michael Boutin, M.D.
37 Van Buren Road
Caribou, Maine 04736

RE: License No. 184317

Dear Dr. Boutin:

Enclosed please find Order #BPMC 98-92 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **May 13, 1998**.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Todd Holbrook, Esq.
Bernstein, Shur, Sawyer & Nelson
100 Middle Street
Portland, Maine 04104-5029

Leslie Eisenberg, Esq.

**NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT**

**IN THE MATTER
OF
MICHAEL BOUTIN, M.D.**

**SURRENDER
OF
LICENSE**

BPMC #98-92

STATE OF MAINE)
COUNTY OF) **SS.:**

MICHAEL BOUTIN, M.D., being duly sworn, deposes and says:

On or about October 15, 1990, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 184317 by the New York State Education Department.

My current address is 37 Van Buren Road, Caribou, Maine 04736, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the charges in full satisfaction of the Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED 4/13/98



MICHAEL BOUTIN, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 4/24/98


TODD HOLBROOK, Esq.
Attorney for Respondent

Date: 4/27/98


ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

Date: May 5 1998


ANNE F. SALE
Director
Office of Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
MICHAEL BOUTIN, M.D.

SURRENDER
ORDER

Upon the proposed agreement of Michael Boutin, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is agreed to and


ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: May 6, 1998


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

IN THE MATTER
OF
MICHAEL BOUTIN, M.D.

STATEMENT
OF
CHARGES

Michael Boutin, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 15, 1990, by the issuance of license number 184317 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about July 2, 1997, in a Stipulation and Order, the State of Vermont Board of Medical Practice, prohibited Respondent from practicing medicine in that State unless and until Respondent underwent an assessment of his skills, completed remedial training as deemed necessary by the assessment and, practiced in a structured setting upon his return to practice medicine in the State of Vermont, based on findings that Respondent failed to practice with the degree of skill, care and proficiency as a prudent physician in a similar practice, in violation of 26 V.S.A. §1354(22).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION
HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1998) by having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency or another state, where the conduct resulting in revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York State, constitute professional misconduct under the laws of New York State (namely N.Y. Educ. Law §6530 (3) and (5)) as alleged in the facts of the following:

1. Paragraph A

DATED: April , 1998
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct