

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In re Gamal H. Eltabbakh, M.D.) Docket No. MPS 023-0219
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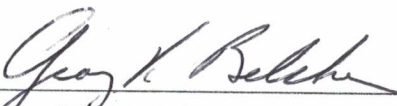
PREHEARING CONFERENCE ORDER

Pursuant to Board of Medical Practice Rule 39.3 and 39.4, the Presiding Officer, George K. Belcher, conducted a pre-hearing conference on October 6, 2022. The State of Vermont was represented by Kurt A. Kuehl, Esq. The Respondent was represented by Terence P. O'Connor, Esq. The Medical Licensing and Operations Administrator for the Board of Medical Practice, Jane Malago, also participated as well. The following matters were considered, decided, and constitute the pre-hearing order in this matter.

1. **Nature of the Case** Specification of Charges were filed on or about August 18, 2022. This is an administrative discipline matter alleging unprofessional conduct pursuant to 26 VSA Sec. 1354. The Respondent has filed an answer to the Specification of Charges dated September 8, 2022.
2. **Agreements** The parties agreed to most, if not all, of the following dates and deadlines.
3. **Expert Witnesses** The parties shall each disclose to the other the names, addresses, and general qualifications of their expert witnesses and a summary of their expected opinions. This disclosure shall be complete and delivered on or before January 15, 2023.
4. **Report concerning settlement** The parties shall report in writing to David Herlihy, Executive Director of the Board, the status of settlement of this case on or before February 15, 2023, including the likelihood of settlement.
5. **Discovery** All discovery shall be completed by March 15, 2023, including the disclosure of witnesses, proposed exhibits, and any pre-filed testimony.
6. **Length of Hearing** The parties estimated that the hearing might take 1-2 days of trial time.

7. **Place, Time and Manner of Hearing** A Hearing Committee constituted of at least three (3) members of the Board of Medical Practice will be assigned to hear this matter (hearing authority). The hearing shall take place by participation of the hearing authority, the parties, and the witnesses by virtual participation consistent with the Board Rules for Remote Hearings, Section XI. The hearing will commence on a date to be assigned in May of 2023 and continue until the hearing is complete. The hearing shall take place by electronic means on the Microsoft Teams platform (or upon such other electronic platform as may be directed by the hearing authority.) The exhibits, stipulations, motions, oral testimony, and arguments of counsel shall be submitted in accordance with the Administrative Rules for Remote Hearings for the Board of Medical Practice.
8. **Motions** Any pre-hearing Motions shall be filed in writing on or before April 1, 2023, and any responses shall be filed on or before April 15, 2023.
9. **Electronic Filing** Documents, exhibits, and other written material may be pre-filed with the Board by attachments to emails, provided that copies are also sent to the parties consistent with Rules 78.2 and 79.2 of the Rules for Remote Hearings.
10. **Pre-filing of Exhibits** All proposed exhibits shall be pre-filed with the Board on or before noon three days before the scheduled hearing. Pre-filing of exhibits will facilitate the dissemination of the exhibits to the hearing authority and the parties. Proposed exhibits shall be filed in electronic form. On the day of the hearing, a packet of proposed exhibits shall be sent electronically to the Presiding Officer and the members of the Hearing Panel. Those proposed exhibits sent to the Hearing Panel Members shall be sent with the direction by the Operations Administrator that they are not to be opened or reviewed by the Hearing Panel members until directed to do so by the Presiding Officer. Objections to the proposed exhibits may be made by motion before the hearing or at the time of the hearing.
11. **Electronic Recording** The hearing shall be recorded electronically, and no in-person stenographer shall attend the hearing. The electronic recording shall be made a part of the record of the proceeding.
12. **Dates and Deadlines** The parties may modify the dates and deadlines herein (except for the hearing date and time) by written, mutual agreement filed with the Board.

Dated this 6th day of October 2022.



George K. Belcher

Presiding Officer for the Vermont State Board of Medical Practice