

IN THE MATTER OF	*	BEFORE THE MARYLAND
CHARLOTTE E. HOVEY, M.D.	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: D67886	*	Case Number: 2013-0193

* * * * *

ORDER OF DEFAULT

BACKGROUND

The Maryland Board of Physicians (the “Maryland Board”) received information that Charlotte E. Hovey, M.D., (the “Respondent”) (D.O.B. 11/04/1949), License Number D67886, was disciplined by the Medical Board of California (the “California Board”) based on the California Board’s findings that the Respondent had a physical or mental illness or condition and was not safe to practice with reasonable skill and safety to patients. In an Order dated August 16, 2012, the California Board revoked the Respondent’s California medical license effective September 14, 2012.

Based on the above referenced discipline by the California Board, the Maryland Board notified the Respondent at her address of record that it had grounds to charge her with violating the following provisions of the Maryland Medical Practice Act (the “Act”), under H. O. § 14-404(a):

- (a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on the affirmative vote of a majority of the quorum, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
 - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the

Veteran's Administration for an act that would be grounds for disciplinary action under this section;

The Maryland Board determined that the acts for which the Respondent was disciplined in California would be grounds for disciplinary action in Maryland under H.O. § 14-404(a). The grounds for disciplinary action under H.O. § 14-404(a) are as follows:

- (4) Is professionally, physically, or mentally incompetent.

Specifically, on September 19, 2012, the Maryland Board notified the Respondent at her address of record by regular and certified mail of the Board's investigation of this matter and offered a Consent Order imposing a reciprocal discipline. The Respondent was further advised that if she did not respond to the letter within 30 days of receipt the Maryland Board would enter a Default Order making the same findings and imposing the same discipline as in the California Order. The United States Postal Service Track and Confirm indicated a receipt date of September 21, 2012. The Respondent failed to respond to the Board's notification sent on September 19, 2012.

A second request was sent to the Respondent on October 26, 2012 by certified and regular mail advising the Respondent that the Maryland Board had not received her response and that the case would be forwarded for consideration of a default order if the Maryland Board did not hear from her on or before November 6, 2012. The United States Postal Service Track and Confirm indicates that the mailing was delivered to an address in Oak Park, Illinois on November 10, 2012. The Respondent failed to respond to the Board's second request sent on October 26, 2012.

I. FINDINGS OF FACT

The Board finds the following:

1. At all times relevant hereto, the Respondent was a physician licensed to practice radiology in the State of Maryland. The Respondent was initially licensed in Maryland on or about June 25, 2008.

2. In a Default Decision and Order dated August 16, 2012, the California Board found that the Respondent had a physical or mental illness or condition and was not safe to practice with reasonable skill and safety to patients.

3. As a result, the California Board revoked the Respondent's California medical license effective September 14, 2012. A copy of the California Order is attached hereto.

4. The Respondent was duly notified of the Board's determination that there were grounds to charge her with violations of §§ 14-404(a)(21) and (4) of the Act, but she failed to respond to any of the Board's notifications.

5. The Board's factual findings are unrefuted due to the Respondent's default.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, and pursuant to Md. Code Ann., Health Occ. § 14-404(a)(21), the Maryland Board concludes as a matter of law that the disciplinary action taken by the California Board against the Respondent was for an act or acts that would be grounds for disciplinary action under Health Occ. § 14-404(a)(4) had those offenses been committed in this state. The Board further concludes that the Respondent was in default with respect to answering the charges, thus she has lost the right to contest them.

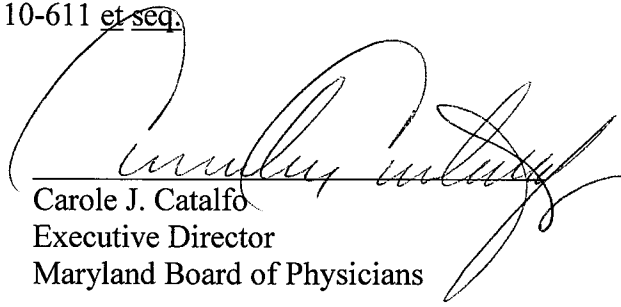
III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this hereby:

ORDERED that the Respondent's license to practice medicine in the State of Maryland be and is hereby **REVOKED**; and be it further

ORDERED that this **ORDER OF DEFAULT** is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't § 10-611 ~~et seq.~~

12-19-12
Date


Carole J. Catalfo
Executive Director
Maryland Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-408(b), the Respondent has the right to seek judicial review of this Order of Default. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Order of Default. The cover letter accompanying this Order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

**Maryland State Board of Physicians
Christine A. Farrelly, Deputy Director, Compliance and Licensure
4201 Patterson Avenue
Baltimore, Maryland 21215**

Notice of any petition should also be sent to the Board's counsel at the following address:

**Thomas W. Keech
Assistant Attorney General
Department of Health and Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**

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**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

5 In the Matter of the Accusation Against,

Case No. 16-2012-221025

6 **CHARLOTTE EILEEN HOVEY, M.D.**

7 4660 W. Seneca Drive
8 Saint Johns, FL 32259

**DEFAULT DECISION
AND ORDER**

9 Physician's and Surgeon's Certificate
10 No. G 84974

[Gov. Code, §11520]

11 Respondent.

12 On May 24, 2012, an employee of the Medical Board of California ("Board") served by
13 certified mail a copy of Accusation No. 16-2012-221025, Statement to Respondent, Notice of
14 Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7
15 (collectively "Accusation Package") to Respondent's address of record with the Board, which
16 was and is 4660 W. Seneca Drive, Saint Johns, FL 32259. Respondent signed and returned the
17 green certified mail receipt. A copy of the Accusation Package, Declaration of Service, and
18 certified mail return receipt are attached as Exhibit 1 to the Exhibit Package in Support of Default
19 Decision and Order ("Exhibit Package"), submitted currently herewith.

20 Respondent did not file a Notice of Defense in response to the Accusation. On July 9,
21 2012, an employee of the Attorney General's Office sent a courtesy Notice of Default, along with
22 another copy of the Accusation, to Respondent's address of record. Said Notice advised
23 Respondent that disciplinary action would be taken against her by reason of her failure to file a
24 Notice of Defense as required by law. The Notice advised Respondent that she should send a
25 completed Notice of Defense to the Deputy Attorney General assigned to this case to seek relief.
26 The Notice of Default was sent to Respondent via certified mail. On July 18, 2012, Respondent
27 signed and returned the green certified mail receipt. (Exhibit Package, Exhibit 2 [Notice of
28 Default, proof of service, certified mail return receipt].)

1 Respondent has failed to file a Notice of Defense. As a result, pursuant to Government
2 Code section 11506, Respondent has waived her right to a hearing on the merits to contest the
3 allegations contained in the Accusation.

4 **FINDINGS OF FACT**

5 1. Linda K. Whitney is the Executive Director of the Board. The charges and
6 allegations in the Accusation were at all times brought and made solely in the official capacity of
7 the Board's Executive Director.

8 2. On January 8, 1999, the Board issued Physician's and Surgeon's Certificate No. G
9 84974 to Respondent. Said certificate will expire on November 30, 2012, unless renewed.
10 (Exhibit Package, Exhibit 3 [certification of license status].)

11 3. On May 24, 2012, the Board served the Accusation Package to Respondent's address
12 of record via certified mail. Respondent returned the green certified mail receipt, thereby
13 acknowledging receipt of the Accusation, but she did not file a Notice of Defense. A courtesy
14 Notice of Default was thereafter served on Respondent. Respondent still failed to file a Notice of
15 Defense.

16 4. Pursuant to its authority under Government Code section 11520, the Board finds
17 Respondent is in default. The Board will take action without further hearing and, based on
18 Respondent's express admissions by way of default and the evidence before it, contained in
19 Exhibits 1 through 4, finds that the allegations in the Accusation are true as follows:

20 A. On or about January 14, 2012, the Colorado Medical Board and Respondent
21 entered into an Interim Cessation of Practice Agreement ("Interim Agreement"), which prohibits
22 Respondent from practicing medicine while the Agreement is in effect. The Interim Agreement
23 provides that it "shall remain in effect until such time as the parties reach a final disposition of
24 this case or, in the event additional summary suspension proceedings are initiated, until such time
25 as an order for summary suspension enters." The restriction on practice imposed by the Interim
26 Agreement was based, in part, on a report from the Colorado Physician Health Program that
27 Respondent had a physical or mental illness or condition and was not safe to practice with
28 reasonable skill and safety to patients. The Colorado Medical Board found grounds for summary

1 suspension but authorized the parties to enter into an Interim Agreement pending further
2 evaluation and investigation to determine what further actions, if any, were warranted. (Exhibit
3 Package, Exhibit 4 [Interim Cessation of Practice Agreement].)

4 **DETERMINATION OF ISSUES**

5 Pursuant to the foregoing Findings of Fact, Respondent's conduct and the action of the
6 Colorado Medical Board constitute cause for discipline within the meaning of Business and
7 Professions Code section 2305.

8 **DISCIPLINARY ORDER**

9 Physician's and Surgeon's Certificate No. G 84974 issued to Charlotte Eileen Hovey, M.D.,
10 is hereby **REVOKED**.

11 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
12 written motion requesting that the Decision be vacated and stating the grounds relied on within
13 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
14 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

15 This Decision shall become effective on September 14, 2012.

16 It is so ORDERED on August 16, 2012

17
18 MEDICAL BOARD OF CALIFORNIA
19 DEPARTMENT OF CONSUMER AFFAIRS
20 STATE OF CALIFORNIA

21 By  _____
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**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against,

Case No. 16-2012-221025

CHARLOTTE EILEEN HOVEY, M.D.
4660 W. Seneca Drive
Saint Johns, FL 32259

**EXHIBIT PACKAGE IN SUPPORT OF
DEFAULT DECISION AND ORDER**

Physician's and Surgeon's Certificate
No. G 84974

[Gov. Code, §11520]

Respondent.

Attached hereto are the following Exhibits in support of the Default Decision and Order in the above referenced case:

Exhibit 1: Accusation Package (Accusation No. 16-2012-221025, Statement to Respondent, Notice of Defense forms, Request for Discovery, Government Code sections 11507.5, 11507.6, and 11507.7), Declaration of Service, and Certified Mail Return Receipt

Exhibit 2: Notice of Default, Declaration of Service, and Certified Mail Return Receipt

Exhibit 3: Certification of License Status

Exhibit 4: Interim Cessation of Practice Agreement issued by Colorado Medical Board

Exhibit 1

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 ESTHER H. LA
Deputy Attorney General
4 State Bar No. 160706
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5636
6 Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO MAY 24, 2012
BY: J. Helcher ANALYST

7 **BEFORE THE**
8 **MEDICAL BOARD OF CALIFORNIA**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 **CHARLOTTE EILEEN HOVEY, M.D.**
12 4660 W. Seneca Drive
13 Saint Johns, FL 32259
14 Physician's and Surgeon's Certificate
No. G 84974
15 Respondent.

Case No. 16-2012-221025

ACCUSATION

16
17
18 Complainant alleges:

19 PARTIES

- 20 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.
22 2. On or about January 8, 1999, the Medical Board of California issued Physician's and
23 Surgeon's Certificate Number G 84974 to Charlotte Eileen Hovey, M.D. (Respondent). The
24 Certificate is renewed and current with an expiration date of November 30, 2012.

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JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board),¹ Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

5. Section 2305 of the Code states:

“The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.”

CAUSE FOR DISCIPLINE

(Discipline, Restrictions, or Limitation Imposed by Another State)

6. On or about January 14, 2012, the Colorado Medical Board and Respondent entered into an Interim Cessation of Practice Agreement (“Interim Agreement”), which prohibits Respondent from practicing medicine while the Agreement is in effect. The Interim Agreement provides that it “shall remain in effect until such time as the parties reach a final disposition of this case or, in the event additional summary suspension proceedings are initiated, until such time as an order for summary suspension enters.” The restriction on practice imposed by the Interim Agreement was based, in part, on a report from the Colorado Physician Health Program that Respondent had a physical or mental illness or condition and was not safe to practice with reasonable skill and safety to patients. The Colorado Medical Board found grounds for summary suspension but authorized the parties to enter into an Interim Agreement pending further

¹. The term “Board” means the Medical Board of California; “Division of Medical Quality” shall also be deemed to refer to the Board.

1 evaluation and investigation to determine what further actions, if any, were warranted. A copy of
2 the January 14, 2012 Interim Cessation of Practice Agreement between Respondent and the
3 Colorado Medical Board is attached as Exhibit A.

4 7. The action of the Colorado Medical Board restricting Respondent's license to practice
5 medicine, as set forth in paragraph 6, above, constitutes cause for disciplinary action pursuant to
6 Code section 2305.

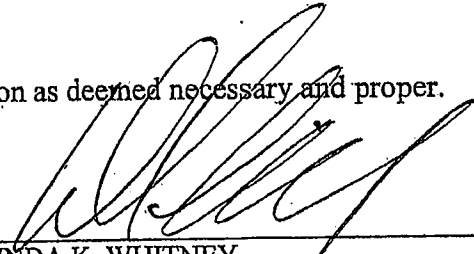
7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Medical Board of California issue a decision:

- 10 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 84974,
11 issued to Charlotte Eileen Hovey, M.D.;
- 12 2. Revoking, suspending or denying approval of Charlotte Eileen Hovey, M.D.'s
13 authority to supervise physician's assistants, pursuant to section 3527 of the Code;
- 14 3. Ordering Charlotte Eileen Hovey, M.D., if placed on probation, to pay the costs of
15 probation monitoring; and
- 16 4. Taking such other and further action as deemed necessary and proper.

17 DATED: May 24, 2012

18


19 LINDA K. WHITNEY
20 Executive Director
21 Medical Board of California
22 Department of Consumer Affairs
23 State of California
24 Complainant

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Exhibit A

BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO
CASE NO: 2012-000053-A

INTERIM CESSATION OF PRACTICE AGREEMENT

IN THE MATTER OF THE LICENSE TO PRACTICE MEDICINE AS A PHYSICIAN IN
THE STATE OF COLORADO OF CHARLOTTE ^E HOVEY, M.D., LICENSE NO. DR-
38006, _(MS)

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel A ("Panel") of the
Colorado Medical Board ("Board") and Charlotte ^E Hovey, M.D. ("Respondent") (collectively
"the parties") as follows: _(MS)

1. Respondent was licensed to practice medicine in the state of Colorado on July 22, 1999, and was issued license number DR-38006, which Respondent has held continuously since that date.
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. On January 12, 2012, the Panel reviewed materials from case number 2012-000053-A. Included in this information was a report from the Colorado Physician Health Program ("CPHP") that Respondent had a physical or mental illness or condition that could render Respondent unsafe to practice, and that CPHP had concluded, from a medical/psychiatric perspective, that Respondent currently was not safe to practice with reasonable skill and safety to patients.
4. Based upon the information and the totality of the circumstances, the Panel had objective and reasonable grounds to believe and found that the public health, safety or welfare imperatively required emergency action. Accordingly, the Panel found grounds for summary suspension but authorized the parties to enter into an agreement for Respondent not to practice.
5. In lieu of summary suspension pursuant to section 24-4-104(4), C.R.S., the parties have agreed to enter this Interim Cessation of Practice Agreement ("Interim Agreement") pending further evaluation and investigation of Respondent's practice to determine what further actions, if any, are warranted. Any summary suspension is hereby stayed pursuant to the terms of this Interim Agreement.

6. Respondent agrees that she will not perform any act requiring a license issued by the Board while this Interim Agreement is in effect.

7. This Interim Agreement shall remain in effect until such time as the parties reach a final disposition of this case or, in the event additional summary suspension proceedings are initiated, until such time as an order for summary suspension enters.

8. The Panel agrees that it will not institute summary suspension proceedings while this Interim Agreement is in effect so long as the Respondent remains in compliance with this Interim Agreement and so long as the Panel does not learn of new information that would indicate that summary suspension is warranted.

9. Nothing in this Interim Agreement shall constitute disciplinary action, a finding that Respondent has engaged in unprofessional conduct, or any admission by Respondent of unprofessional conduct. There have been no final determinations regarding Respondent's professional competence or professional conduct. Nothing in this Interim Agreement shall constitute final actions as defined in section 24-4-102(1), C.R.S.

10. Nothing in this Interim Agreement shall preclude the Panel from initiating disciplinary action pursuant to section 12-36-118, C.R.S., or issuing a Final Agency Order while this Interim Agreement is in effect.

11. Respondent understands that Respondent has the right to be represented by counsel of Respondent's choice in this matter, and Respondent is represented by counsel in this matter.

12. The terms of this Interim Agreement were mutually negotiated and determined.

13. Both parties acknowledge that they understand the legal consequences of this Interim Agreement, both parties enter into this Interim Agreement voluntarily, and both parties agree that no term or condition of this Interim Agreement is unconscionable.

14. This Interim Agreement and all its terms constitute a valid board order for purposes of section 12-36-117(1)(u), C.R.S.

15. So that the Board may notify hospitals of this Interim Agreement, Respondent presently holds privileges at the following hospitals:

16. Invalidation of any portion of this Interim Agreement by judgment or court order shall in no way affect any other provision, which provision shall remain in full force and effect.

17. This Interim Agreement shall be effective upon signature by Respondent. Respondent acknowledges that the Panel may choose not to accept the terms of this Interim Agreement and that if the Interim Agreement is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

18. This Interim Agreement constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Interim Agreement.

19. All costs and expenses incurred by Respondent to comply with this Interim Agreement shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

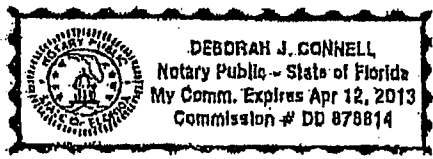
20. This Interim Agreement shall constitute a public record but is not reportable to the National Practitioner Data Bank or to the Healthcare Integrity Protection Data Bank.

Charlotte E. Hovey, M.D.
Charlotte E. Hovey, M.D.

THE FOREGOING was acknowledged before me this 14 day of January, 2012
by Charlotte C. Hovey, M.D. in the County of St. Johns, State of

Florida

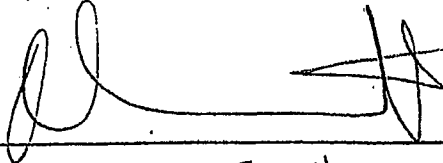
Deborah J. Connell
NOTARY PUBLIC



4/12/13
Commission expiration date

THE FOREGOING Interim Cessation of Practice Agreement is effective upon signature by Respondent, above, and is approved this 18th day of January, 2012.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A



Marschall S. Smith
Program Director

APPROVED AS TO FORM:

FOR CHARLOTTE C. HOVEY, M.D.

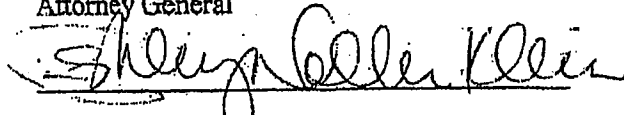
SILVER & DEBOSKEY PC



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FOR THE COLORADO MEDICAL BOARD

JOHN W. SUTHERS
Attorney General



ASHLEY MOLLER KLEIN, #29362*
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Attorneys for the Colorado Medical Board,
Inquiry Panel A
1525 Sherman Street, 7th Floor
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Telephone: (303) 866-5036
FAX: (303) 866-5395
*Counsel of Record

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)	
Against:)	
)	File No. 16-2012-221025
CHARLOTTE EILEEN HOVEY, M.D.)	
)	
Physician's and Surgeon's)	
Certificate No. G 84974)	STATEMENT TO RESPONDENT
)	
Respondent.)	
_____)	

RESPONDENT ABOVE - NAMED:

There is attached hereto a copy of an Accusation which has been filed with the office of the State agency named herein and which is hereby served upon you.

Unless a written request for a hearing signed by you or on your behalf is delivered or mailed to the agency named herein within fifteen (15) days after a copy of the Accusation was personally served on you or mailed to you, you will be deemed to have waived your right to a hearing in this matter and the agency may proceed upon the Accusation without a hearing and may take action thereon as provided by law.

The request for a hearing may be made by delivering or mailing one of the enclosed forms entitled "Notice of Defense" or by delivering or mailing a Notice of Defense as provided in Section 11506 of the Government Code to both the Deputy Attorney General and the Medical Board of California. The Deputy Attorney General's name, address and telephone number appears on the front page of the Accusation. The notice to the Medical Board should be directed to the Discipline Coordination Unit, 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815-3831.

The hearing may be postponed for a good cause. If you have good cause, you are obliged to notify the agency or, if an administrative law judge has been assigned to the hearing, the Office of Administrative Hearings, within 10 working days after you discover the good cause. Failure to notify the agency within 10 days will deprive you of a postponement.

You may, but need not, be represented by counsel at any or all stages of these proceedings. The enclosed Notice of Defense, if signed and filed with the above - designated agency shall be deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any objection to the form of the Accusation unless you file a further Notice of Defense as provided in Section 11506 of the Government Code within fifteen (15) Days after service of the Accusation upon you.

If you file any Notice of Defense within the time permitted, a hearing will be held upon the charges made in the Accusation.

Copies of Section 11507.5, 11507.6, 11507.7 and 11455.10 of the Government Code are attached.

If you desire the names and addresses of witnesses or an opportunity to inspect and copy the items mentioned in Section 11507.7 of the Government Code in the possession, custody or control of the agency, you may contact the Deputy Attorney General, whose name, address, and telephone number appear on the first page of the Accusation.

STIPULATED SETTLEMENTS

Very often, administrative cases are settled by the parties through discussions and negotiations. Our procedures do not include a formal settlement conference, which is a common procedure in civil court cases. However, all parties in this case should get together at the earliest time to discuss any possible stipulations or settlement that can be mutually agreed upon.

All stipulated settlements of cases are subject to the approval of the Medical Board of California. The Board has published the Manual of Model Disciplinary Orders and Disciplinary Guidelines, 10th Edition 2008 (enclosed), setting forth its model disciplinary orders and model disciplinary guidelines. By looking up your relevant code violations on page 25 of the booklet, you can learn the penalty ranges and conditions that may be acceptable to the Board.

Copy of Government Code Sections 11507.5, 11507.6, 11507.7 and 11455.10

PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505

SECTION 11507.5: Discovery Limitations

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Discovery Rights & Procedures

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

- (a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;
- (b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;
- (c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;
- (d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;
- (e) Any other writing or thing which is relevant and which would be admissible in evidence;
- (f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

(g) In any proceeding under subdivision (i) or (j) of Section 12940, or Section 19572 or 19702, alleging conduct which constitutes sexual harassment, sexual assault, or sexual battery, evidence of specific instances of a complainant's sexual conduct with individuals other than the alleged perpetrator is not discoverable unless it is to be offered at a hearing to attack the credibility of the complainant as provided for under subdivision (j) of Section 11513. This subdivision is intended only to limit the scope of discovery; it is not intended to affect the methods of discovery allowed under this section.

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make an order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

SECTION 11455.10. Grounds for contempt sanction

A Person is subject to the contempt sanction for any of the following in an adjudicative proceeding before an agency:

- (a) Disobedience of or resistance to a lawful order;
- (b) Refusal to take the oath or affirmation as a witness or thereafter refusal to be examined;
- (c) Obstruction or interruption of the due course of the proceeding during a hearing or near the place of the hearing by any of the following:
 - (1) Disorderly, contemptuous, or insolent behavior toward the presiding officer while conducting the proceeding;
 - (2) Breach of the peace, boisterous conduct, or violent disturbance;
 - (3) Other unlawful interference with the process or proceedings of the agency.
- (d) Violation of the prohibition of ex parte communications under Article 7 (commencing with Section 11430.10);
- (e) Failure or refusal, without substantial justification, to comply with a deposition order, discovery request, subpoena, or other order of the presiding officer, or moving, without substantial justification, to compel discovery.

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)	
Against:)	File No. 16-2012-221025
)	
CHARLOTTE EILEEN HOVEY, M.D.)	NOTICE OF DEFENSE
)	
)	
Physician's and Surgeon's)	
Certificate No. G 84974)	
)	
Respondent.)	(Pursuant to sections 11505 and 11506, Government Code)
_____)	

I, the undersigned respondent named in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation, Statement to Respondent, Government Code sections 11507.5, 11507.6, 11507.7 and 11455.10, and two copies of a Notice of Defense.

I hereby request a hearing in this proceeding to permit me to present my defense to the charges contained in said Accusation.

DATED: _____

Respondent's Name _____
Respondent's Signature _____
Respondent's Mailing Address _____
City, State and Zip Code _____
Respondent's Telephone Number _____

Check off appropriate box

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____
Counsel's Mailing Address _____
City, State and Zip Code _____
Counsel's Telephone Number _____

- I am not represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address, and telephone number will be filed with you so that counsel will be on record to receive legal notices, pleading, and other papers.

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)	
Against:)	File No. 16-2012-221025
)	
CHARLOTTE EILEEN HOVEY, M.D.)	NOTICE OF DEFENSE
)	
Physician's and Surgeon's)	
Certificate No. G 84974)	
)	
Respondent.)	(Pursuant to sections 11505 and 11506,
_____)	Government Code)

I, the undersigned respondent named in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation, Statement to Respondent, Government Code sections 11507.5, 11507.6, 11507.7 and 11455.10, and two copies of a Notice of Defense.

I hereby request a hearing in this proceeding to permit me to present my defense to the charges contained in said Accusation.

DATED: _____

Respondent's Name _____
Respondent's Signature _____
Respondent's Mailing Address _____
City, State and Zip Code _____
Respondent's Telephone Number _____

Check off appropriate box

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____
Counsel's Mailing Address _____
City, State and Zip Code _____
Counsel's Telephone Number _____

- I am not represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address, and telephone number will be filed with you so that counsel will be on record to receive legal notices, pleading, and other papers.

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 ESTHER H. LA
Deputy Attorney General
4 State Bar No. 160706
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5636
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 16-2012-221025

11 CHARLOTTE E. HOVEY, M.D.

REQUEST FOR DISCOVERY

12 Respondent.
13

14 TO RESPONDENT:

15 Under section 11507.6 of the Government Code of the State of California, parties to an
16 administrative hearing, including the Complainant, are entitled to certain information concerning
17 the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code
18 concerning such rights is included among the papers served.

19 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE
20 HEREBY REQUESTED TO:

21 1. Provide the names and addresses of witnesses to the extent known to the Respondent,
22 including, but not limited to, those intended to be called to testify at the hearing, and

23 2. Provide an opportunity for the Complainant to inspect and make a copy of any of the
24 following in the possession or custody or under control of the Respondent:

25 a. A statement of a person, other than the Respondent, named in the
26 initial administrative pleading, or in any additional pleading, when it is claimed that
27 the act or omission of the Respondent as to this person is the basis for the
28 administrative proceeding;

1 b. A statement pertaining to the subject matter of the proceeding made
2 by any party to another party or persons;

3 c. Statements of witnesses then proposed to be called by the
4 Respondent and of other persons having personal knowledge of the acts, omissions or
5 events which are the basis for the proceeding, not included in (a) or (b) above;

6 d. All writings, including but not limited to reports of mental, physical
7 and blood examinations and things which the Respondent now proposes to offer in
8 evidence;

9 e. Any other writing or thing which is relevant and which would be
10 admissible in evidence, including but not limited to, any patient or hospital records
11 pertaining to the persons named in the pleading;

12 f. Investigative reports made by or on behalf of the Respondent
13 pertaining to the subject matter of the proceeding, to the extent that these reports (1)
14 contain the names and addresses of witnesses or of persons having personal
15 knowledge of the acts, omissions or events which are the basis for the proceeding, or
16 (2) reflect matters perceived by the investigator in the course of his or her
17 investigation, or (3) contain or include by attachment any statement or writing
18 described in (a) to (e), inclusive, or summary thereof.

19 For the purpose of this Request for Discovery, "statements" include written statements by
20 the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical
21 or other recordings, or transcripts thereof, of oral statements by the person, and written reports or
22 summaries of these oral statements.

23 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery
24 should be deemed to authorize the inspection or copying of any writing or thing which is
25 privileged from disclosure by law or otherwise made confidential or protected as attorney's work
26 product.

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Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery within 30 days after service of the Accusation.

Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

Dated: May 16, 2012

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General



ESTHER H. LA
Deputy Attorney General
Attorneys for Complainant

SF2012204345
20610682.doc

DECLARATION OF SERVICE BY CERTIFIED AND FIRST CLASS MAIL

In the Matter of the Accusation Against:

CHARLOTTE EILEEN HOVEY, M.D.

File No. 16-2012-221025

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 2005 Evergreen St., Sacramento, California 95815. I served a true copy of the attached:

STATEMENT TO RESPONDENT; ACCUSATION; REQUEST FOR DISCOVERY; GOVERNMENT CODE SECTIONS 11507.5, 11507.6, 11507.7 and 11455.10; NOTICE OF DEFENSE FORM (2 COPIES); A MANUAL OF MODEL DISCIPLINARY ORDERS AND MODEL DISCIPLINARY GUIDELINES

by U.S. Certified mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERTIFICATION #

Charlotte Eileen Hovey, M.D.
4660 W. Seneca Drive
Saint Johns, FL 32259

7010 2780 0000 6322 9614

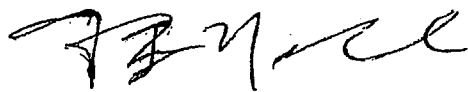
Esther H. La
Deputy Attorney General
Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102

U.S. MAIL SERVICE

Each said envelope was then, on May 24, 2012, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, either as certified mail or first class U.S. mail with the postage thereon fully prepaid and return receipt requested for the certified mail.

Executed on May 24, 2012, at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



John F. Yelchak, Declarant

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Charlotte Eileen Hovey, M.D. ¹⁷
4660 W. Seneca Drive
Saint Johns, FL 32259

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 CHovey Addressee

B. Received by (Printed Name) C. Date of Delivery
CHovey *2/24*

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

7010 2780 0000 6322 9614

PS Form 3811, February 2004

Domestic Return Receipt

16-12-221025

102595-02-M-1540

Exhibit 2

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 ESTHER H. LA
Deputy Attorney General
4 State Bar No. 160706
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5636
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 **CHARLOTTE E. HOVEY, M.D.**
12
13 Respondent.

Case No. 16-2012-221025
COURTESY NOTICE OF DEFAULT

14
15 TO RESPONDENT CHARLOTTE E. HOVEY, M.D.:
16 PLEASE TAKE NOTICE that service of an Accusation was duly made upon you in the
17 time and manner provided by law and that you have failed to file a Notice of Defense as was
18 required of you. A copy of the Accusation is attached to this Notice of Default. **You must take**
19 **immediate action and file a Notice of Defense or you will forfeit important rights, including**
20 **the right to present a defense to the charges against you.** If you fail to take action and file a
21 Notice of Defense, the Medical Board of California will enter a Default Decision against your
22 license and your license may be revoked or suspended without any hearing.

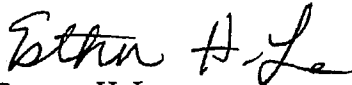
23 If you wish to present a defense to the charges set forth in the Accusation, you must
24 immediately send a completed Notice of Defense to:

25
26 Esther H. La
Deputy Attorney General
27 Office of the Attorney General
455 Golden Gate Avenue, Suite 11000
28 San Francisco, CA 94102

1 You may contact an attorney and be represented by an attorney at your own expense. In
2 addition, please take notice that you are required by law to maintain a current and accurate
3 address of record with the Medical Board of California.

4 Dated: July 9, 2012

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General


ESTHER H. LA
Deputy Attorney General
Attorneys for Complainant

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1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 ESTHER H. LA
Deputy Attorney General
4 State Bar No. 160706
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5636
6 Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO, MAY 24, 2012
BY: J. Helchert ANALYST

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 16-2012-221025

13 **CHARLOTTE EILEEN HOVEY, M.D.**
14 4660 W. Seneca Drive
15 Saint Johns, FL 32259

ACCUSATION

16 Physician's and Surgeon's Certificate
17 No. G 84974

18 Respondent.

19 Complainant alleges:

PARTIES

- 20 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.
22 2. On or about January 8, 1999, the Medical Board of California issued Physician's and
23 Surgeon's Certificate Number G 84974 to Charlotte Eileen Hovey, M.D. (Respondent). The
24 Certificate is renewed and current with an expiration date of November 30, 2012.
25
26
27
28

JURISDICTION

1
2 3. This Accusation is brought before the Medical Board of California (Board),¹
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2227 of the Code provides that the Board may revoke, suspend for a period
6 not to exceed one year, or place on probation, the license of any licensee who has been found
7 guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

8 5. Section 2305 of the Code states:

9 “The revocation, suspension, or other discipline, restriction or limitation imposed by
10 another state upon a license or certificate to practice medicine issued by that state, or the
11 revocation, suspension, or restriction of the authority to practice medicine by any agency of the
12 federal government, that would have been grounds for discipline in California of a licensee under
13 this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action
14 for unprofessional conduct against the licensee in this state.”

CAUSE FOR DISCIPLINE

(Discipline, Restrictions, or Limitation Imposed by Another State)

15
16
17 6. On or about January 14, 2012, the Colorado Medical Board and Respondent entered
18 into an Interim Cessation of Practice Agreement (“Interim Agreement”), which prohibits
19 Respondent from practicing medicine while the Agreement is in effect. The Interim Agreement
20 provides that it “shall remain in effect until such time as the parties reach a final disposition of
21 this case or, in the event additional summary suspension proceedings are initiated, until such time
22 as an order for summary suspension enters.” The restriction on practice imposed by the Interim
23 Agreement was based, in part, on a report from the Colorado Physician Health Program that
24 Respondent had a physical or mental illness or condition and was not safe to practice with
25 reasonable skill and safety to patients. The Colorado Medical Board found grounds for summary
26 suspension but authorized the parties to enter into an Interim Agreement pending further

27 ¹ The term “Board” means the Medical Board of California; “Division of Medical
28 Quality” shall also be deemed to refer to the Board.

1 evaluation and investigation to determine what further actions, if any, were warranted. A copy of
2 the January 14, 2012 Interim Cessation of Practice Agreement between Respondent and the
3 Colorado Medical Board is attached as Exhibit A.

4 7. The action of the Colorado Medical Board restricting Respondent's license to practice
5 medicine, as set forth in paragraph 6, above, constitutes cause for disciplinary action pursuant to
6 Code section 2305.

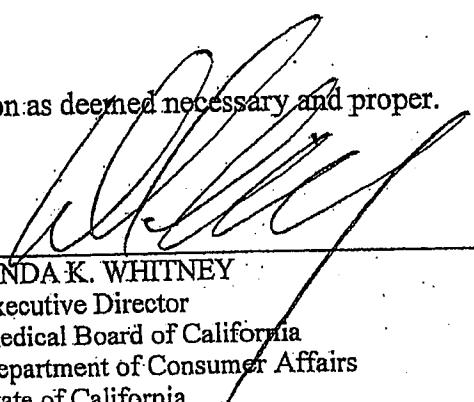
7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Medical Board of California issue a decision:

- 10 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 84974,
11 issued to Charlotte Eileen Hovey, M.D.;
- 12 2. Revoking, suspending or denying approval of Charlotte Eileen Hovey, M.D.'s
13 authority to supervise physician's assistants, pursuant to section 3527 of the Code;
- 14 3. Ordering Charlotte Eileen Hovey, M.D., if placed on probation, to pay the costs of
15 probation monitoring; and
- 16 4. Taking such other and further action as deemed necessary and proper.

17 May 24., 2012

18 DATED: _____


19 LINDA K. WHITNEY
20 Executive Director
21 Medical Board of California
22 Department of Consumer Affairs
23 State of California
24 Complainant

25 SF2012204345
26 20596147.doc

Exhibit A

BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO
CASE NO: 2012-000053-A

INTERIM CESSATION OF PRACTICE AGREEMENT

IN THE MATTER OF THE LICENSE TO PRACTICE MEDICINE AS A PHYSICIAN IN
THE STATE OF COLORADO OF CHARLOTTE ^E HOVEY, M.D., LICENSE NO. DR-
38006, _(MSP)

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel A ("Panel") of the Colorado Medical Board ("Board") and Charlotte ^E Hovey, M.D. ("Respondent") (collectively "the parties") as follows: _(MSP)

1. Respondent was licensed to practice medicine in the state of Colorado on July 22, 1999, and was issued license number DR-38006, which Respondent has held continuously since that date.
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. On January 12, 2012, the Panel reviewed materials from case number 2012-000053-A. Included in this information was a report from the Colorado Physician Health Program ("CPHP") that Respondent had a physical or mental illness or condition that could render Respondent unsafe to practice, and that CPHP had concluded, from a medical/psychiatric perspective, that Respondent currently was not safe to practice with reasonable skill and safety to patients.
4. Based upon the information and the totality of the circumstances, the Panel had objective and reasonable grounds to believe and found that the public health, safety or welfare imperatively required emergency action. Accordingly, the Panel found grounds for summary suspension but authorized the parties to enter into an agreement for Respondent not to practice.
5. In lieu of summary suspension pursuant to section 24-4-104(4), C.R.S., the parties have agreed to enter this Interim Cessation of Practice Agreement ("Interim Agreement") pending further evaluation and investigation of Respondent's practice to determine what further actions, if any, are warranted. Any summary suspension is hereby stayed pursuant to the terms of this Interim Agreement.

6. Respondent agrees that she will not perform any act requiring a license issued by the Board while this Interim Agreement is in effect.

7. This Interim Agreement shall remain in effect until such time as the parties reach a final disposition of this case or, in the event additional summary suspension proceedings are initiated, until such time as an order for summary suspension enters.

8. The Panel agrees that it will not institute summary suspension proceedings while this Interim Agreement is in effect so long as the Respondent remains in compliance with this Interim Agreement and so long as the Panel does not learn of new information that would indicate that summary suspension is warranted.

9. Nothing in this Interim Agreement shall constitute disciplinary action, a finding that Respondent has engaged in unprofessional conduct, or any admission by Respondent of unprofessional conduct. There have been no final determinations regarding Respondent's professional competence or professional conduct. Nothing in this Interim Agreement shall constitute final actions as defined in section 24-4-102(1), C.R.S.

10. Nothing in this Interim Agreement shall preclude the Panel from initiating disciplinary action pursuant to section 12-36-118, C.R.S., or issuing a Final Agency Order while this Interim Agreement is in effect.

11. Respondent understands that Respondent has the right to be represented by counsel of Respondent's choice in this matter, and Respondent is represented by counsel in this matter.

12. The terms of this Interim Agreement were mutually negotiated and determined.

13. Both parties acknowledge that they understand the legal consequences of this Interim Agreement, both parties enter into this Interim Agreement voluntarily, and both parties agree that no term or condition of this Interim Agreement is unconscionable.

14. This Interim Agreement and all its terms constitute a valid board order for purposes of section 12-36-117(1)(u), C.R.S.

15. So that the Board may notify hospitals of this Interim Agreement, Respondent presently holds privileges at the following hospitals:

16. Invalidation of any portion of this Interim Agreement by judgment or court order shall in no way affect any other provision, which provision shall remain in full force and effect.

17. This Interim Agreement shall be effective upon signature by Respondent. Respondent acknowledges that the Panel may choose not to accept the terms of this Interim Agreement and that if the Interim Agreement is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

18. This Interim Agreement constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Interim Agreement.

19. All costs and expenses incurred by Respondent to comply with this Interim Agreement shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

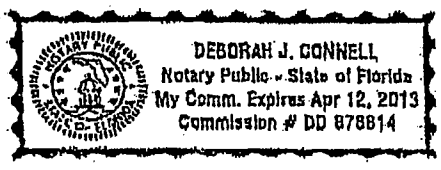
20. This Interim Agreement shall constitute a public record but is not reportable to the National Practitioner Data Bank or to the Healthcare Integrity Protection Data Bank.

Charlotte C. Hovey, M.D.
Charlotte C. Hovey, M.D.

THE FOREGOING was acknowledged before me this 14 day of January, 2012
by Charlotte C. Hovey, M.D. in the County of St. Johns, State of Florida

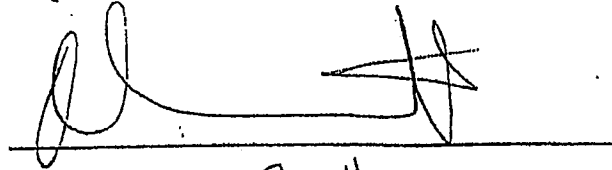
Deborah J. Connell
NOTARY PUBLIC

4/12/13
Commission expiration date



THE FOREGOING Interim Cessation of Practice Agreement is effective upon signature by Respondent, above, and is approved this 18th day of January, 2012.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A

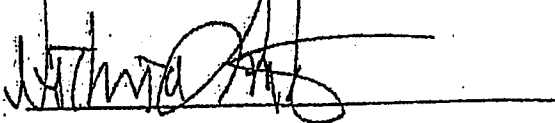


Marshall S. Smith
Program Director

APPROVED AS TO FORM:

FOR CHARLOTTE C. HOVEY, M.D.

SILVER & DEBOSKEY PC



VICTORIA E. LOVATO, #31700
The Smith Mansion
1801 York St.
Denver, CO 80206
Telephone: (303) 399-3000
FAX: (303) 399-2650

FOR THE COLORADO MEDICAL BOARD

JOHN W. SUTHERS
Attorney General



ASHLEY MOLLER KLEIN, #29362*
Senior Assistant Attorney General
Business and Licensing Section
Attorneys for the Colorado Medical Board,
Inquiry Panel A
1525 Sherman Street, 7th Floor
Denver, Colorado 80203
Telephone: (303) 866-5036
FAX: (303) 866-5395
*Counsel of Record

DECLARATION OF SERVICE BY CERTIFIED MAIL

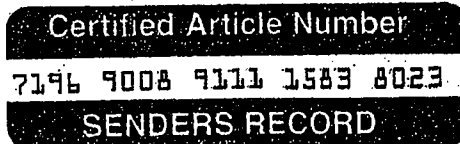
In the Matter of the Accusation Against: *Charlotte Eileen Hovey, M.D.*
Agency No. 16-2012-221025

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On July 9, 2012, I served the attached **Courtesy Notice of Default** by placing a true copy thereof enclosed in a sealed envelope as certified mail and return receipt requested, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Charlotte E. Hovey, M.D.
4660 W. Seneca Dr.
Saint Johns, FL 32259




I declare under penalty of perjury under the law of the State of California the foregoing is true and correct and that this declaration was executed on July 9, 2012, at San Francisco, California.

FE M. DOMINGO
Declarant

FE M. DOMINGO
Signature

2. Article Number



7196 9008 9111 1583 8023

3. Service Type **CERTIFIED MAIL™**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Charlotte E. Hovey, M.D.
 4660 W. Seneca Dr.
 Saint Johns, FL 32259

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) _____ B. Date of Delivery 07/18

C. Signature X *[Signature]* Agent Addressee

D. Is delivery address different from Item 1? Yes No
 If YES, enter delivery address below:

12 JUL 23 08 3

RECEIVED BY MAIL ROOM
 465 GOLDEN GATE AVENUE
 SAINT JOHNS FL 32259
 SF2012204345
 Esther H. Hovey

U.S. DEPARTMENT OF JUSTICE
 OFFICE OF THE
 ATTORNEY GENERAL

Exhibit 3



MEDICAL BOARD OF CALIFORNIA
Licensing Program



April 19, 2012

TO WHOM IT MAY CONCERN:

I, Curtis J. Worden, Chief, and Official Custodian of the Licensing Records of the Medical Board of California, do hereby certify that CHARLOTTE EILEEN HOVEY, M.D., whose address of record is 4660 W SENECA DRIVE, SAINT JOHNS, FL 32259, was issued Physician's and Surgeon's Certificate Number G 84974 by the Board on January 8, 1999. This certificate is RENEWED AND CURRENT and expires on November 30, 2012.

I further certify that there is no Board record of disciplinary action having been taken against this certificate by the State of California.

Respectfully submitted,

Curtis J. Worden
Chief of Licensing

CJW: ck

SECTION 162 OF THE BUSINESS AND PROFESSIONS CODE:

The certificate of the officer in charge of the records of any board in the department that any person was or was not on a specified date, or during a specified period of time, licensed, certified or registered under the provisions of law administered by the Board, or that the license, certificate or registration of any person was revoked or under suspension, shall be admitted in any court as prima facie evidence of the facts therein recited.

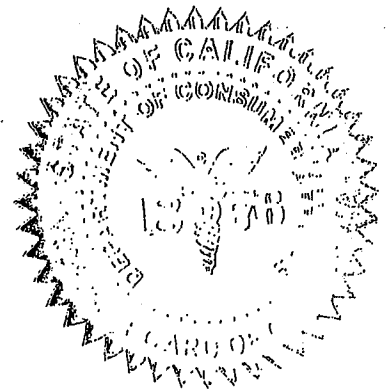


Exhibit 4



Dora
Department of Regulatory Agencies

Division of Registrations
Gregory Ferland
Interim Division Director

Colorado Medical Board
Marschall S. Smith
Program Director

John W. Hickenlooper
Governor

Barbara J. Kelley
Executive
Director

I, Lisa E. Jackson, Enforcement Program Manager and Custodian of Records, do hereby certify that the attached copy of the **Interim and Cessation of Practice Agreement**, regarding Charlotte E. Hovey, M.D., License No. 38006, is a true and correct copy of the document on file with the Colorado Medical Board.

Dated this 5th day of March, 2012.

Lisa E. Jackson
Enforcement Program Manager
Colorado Medical Board
1560 Broadway, Suite 1300
Denver, Colorado 802



BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO
CASE NO: 2012-000053-A

INTERIM CESSATION OF PRACTICE AGREEMENT

IN THE MATTER OF THE LICENSE TO PRACTICE MEDICINE AS A PHYSICIAN IN
THE STATE OF COLORADO OF CHARLOTTE ^E HOVEY, M.D., LICENSE NO. DR-
38006, _(MS)

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel A ("Panel") of the Colorado Medical Board ("Board") and Charlotte ^E Hovey, M.D. ("Respondent") (collectively "the parties") as follows: _(MS)

1. Respondent was licensed to practice medicine in the state of Colorado on July 22, 1999, and was issued license number DR-38006, which Respondent has held continuously since that date.
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. On January 12, 2012, the Panel reviewed materials from case number 2012-000053-A. Included in this information was a report from the Colorado Physician Health Program ("CPHP") that Respondent had a physical or mental illness or condition that could render Respondent unsafe to practice, and that CPHP had concluded, from a medical/psychiatric perspective, that Respondent currently was not safe to practice with reasonable skill and safety to patients.
4. Based upon the information and the totality of the circumstances, the Panel had objective and reasonable grounds to believe and found that the public health, safety or welfare imperatively required emergency action. Accordingly, the Panel found grounds for summary suspension but authorized the parties to enter into an agreement for Respondent not to practice.
5. In lieu of summary suspension pursuant to section 24-4-104(4), C.R.S., the parties have agreed to enter this Interim Cessation of Practice Agreement ("Interim Agreement") pending further evaluation and investigation of Respondent's practice to determine what further actions, if any, are warranted. Any summary suspension is hereby stayed pursuant to the terms of this Interim Agreement.

6. Respondent agrees that she will not perform any act requiring a license issued by the Board while this Interim Agreement is in effect.

7. This Interim Agreement shall remain in effect until such time as the parties reach a final disposition of this case or, in the event additional summary suspension proceedings are initiated, until such time as an order for summary suspension enters.

8. The Panel agrees that it will not institute summary suspension proceedings while this Interim Agreement is in effect so long as the Respondent remains in compliance with this Interim Agreement and so long as the Panel does not learn of new information that would indicate that summary suspension is warranted.

9. Nothing in this Interim Agreement shall constitute disciplinary action, a finding that Respondent has engaged in unprofessional conduct, or any admission by Respondent of unprofessional conduct. There have been no final determinations regarding Respondent's professional competence or professional conduct. Nothing in this Interim Agreement shall constitute final actions as defined in section 24-4-102(1), C.R.S.

10. Nothing in this Interim Agreement shall preclude the Panel from initiating disciplinary action pursuant to section 12-36-118, C.R.S., or issuing a Final Agency Order while this Interim Agreement is in effect.

11. Respondent understands that Respondent has the right to be represented by counsel of Respondent's choice in this matter, and Respondent is represented by counsel in this matter.

12. The terms of this Interim Agreement were mutually negotiated and determined.

13. Both parties acknowledge that they understand the legal consequences of this Interim Agreement, both parties enter into this Interim Agreement voluntarily, and both parties agree that no term or condition of this Interim Agreement is unconscionable.

14. This Interim Agreement and all its terms constitute a valid board order for purposes of section 12-36-117(1)(u), C.R.S.

15. So that the Board may notify hospitals of this Interim Agreement, Respondent presently holds privileges at the following hospitals:

16. Invalidation of any portion of this Interim Agreement by judgment or court order shall in no way affect any other provision, which provision shall remain in full force and effect.

17. This Interim Agreement shall be effective upon signature by Respondent. Respondent acknowledges that the Panel may choose not to accept the terms of this Interim Agreement and that if the Interim Agreement is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

18. This Interim Agreement constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Interim Agreement.

19. All costs and expenses incurred by Respondent to comply with this Interim Agreement shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

20. This Interim Agreement shall constitute a public record but is not reportable to the National Practitioner Data Bank or to the Healthcare Integrity Protection Data Bank.

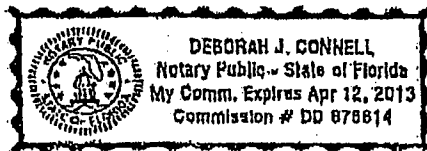
Charlotte C. Hovey, M.D.
Charlotte C. Hovey, M.D.

THE FOREGOING was acknowledged before me this 17 day of February, 2012

by Charlotte C. Hovey, M.D. in the County of St. Johns, State of

Florida

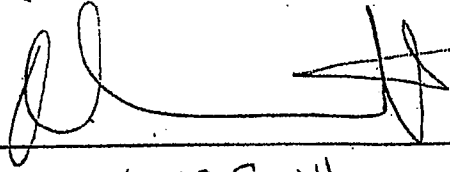
Deborah J. Connell
NOTARY PUBLIC



4/12/13
Commission expiration date

THE FOREGOING Interim Cessation of Practice Agreement is effective upon signature by Respondent, above, and is approved this 18th day of January, 2012.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A

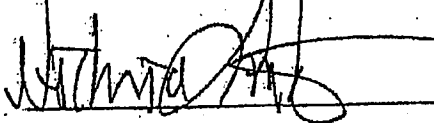


Marschall S. Smith
Program Director

APPROVED AS TO FORM:

FOR CHARLOTTE C. HOVEY, M.D.

SILVER & DEBOSKEY PC



VICTORIA E. LOVATO, #31700
The Smith Mansion
1801 York St.
Denver, CO 80206
Telephone: (303) 399-3000
FAX: (303) 399-2650

FOR THE COLORADO MEDICAL BOARD

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