

JUL 31 2017

DHP

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: NICHOLAS BUNKER TAINTOR, M.D.

License Number: 0101-255825

Case Number: 172850

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Medicine ("Board") and Nicholas Bunker Taintor, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Taintor's license to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Nicholas Bunker Taintor, M.D., was issued License Number 0101-255825 to practice medicine and surgery on March 6, 2014, which is scheduled to expire on August 31, 2018.

2. Dr. Taintor violated Virginia Code § 54.1-2915.A(2), (4) and (14) in that he is unsafe to practice due to diagnoses of alcohol dependence; major depressive disorder, recurrent; dependent personality and insomnia; and dismissal from the Virginia HPMP. Specifically:

a. See Confidential Exhibit.

b. See Confidential Exhibit.

c. See Confidential Exhibit.

d. See Confidential Exhibit.

e. On September 26, 2013, Dr. Taintor entered the Virginia Health Practitioners' Monitoring Program ("HPMP"). He was dismissed from the program on March 18, 2016 due to his failure to call the test line on eight (8) occasions from January 2014 – February 2016, a

positive urine toxicology screen in September 2015, and a missed toxicology screen in January 2016.

f. Dr. Taintor's substance abuse and mental health diagnoses require ongoing treatment and monitoring.

3. Dr. Taintor violated Virginia Code §§ 54.1-2915.A(1), (16) and (18) and 54.1-111.A(6) in that he materially misrepresented facts and provided fraudulent, false and misleading information in his Application for Licensure to Practice Medicine and Surgery ("Application"), submitted on September 17, 2013. Specifically:

a. Dr. Taintor answered "No" to the question on the Application that asked, "Have you ever been placed on a corrective action plan, placed on probation or been dismissed or suspended or requested to withdraw from any professional school, training program, hospital, etc.?" despite the fact that the psychiatry residency program director at NYU Langone Medical Center stated that while completing his residency from July 2006 – June 2010, Dr. Taintor underwent remediation regarding his attendance.

b. Dr. Taintor answered "No" to the question on the Application that asked, "Do you have a physical disease, mental disorder, or any condition, which could affect your performance of professional duties?" despite the fact that:

- An evaluation of his practice while employed as a team psychiatrist at Pathways to Housing in New York from October 2010 to June 2011, noted that his "alcohol abuse...impaired his judgment and professional conduct" and, consequently, "affected his work performance."
- An evaluation of his practice while employed as a staff psychiatrist at the Postgraduate Center for Mental Health in New York City from January 25 – July 27, 2012, noted he was frequently absent in the latter months of his employment and "fundamentally abandoned his position," and his ethical/professional conduct was "[h]ighly variable." Dr. Taintor admitted that after this employment was terminated, his alcohol consumption increased and he relocated to Virginia to stay with family.

c. Subsequently, in his March 2014 response to the Board's question regarding his one-year absence from practice, Dr. Taintor admitted that he was "fired" from his previous employment at the Postgraduate Center for Mental Health for repeated, unexplained absences "due to [his] heavy nightly drinking and subsequent inability to make it to work some mornings."

4. Dr. Taintor reports that since July 1, 2014, he has been employed as a part-time, contract psychiatrist with the Arlington County Community Services Board in Arlington, Virginia.

5. Dr. Taintor's diagnoses require ongoing treatment and monitoring.

6. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Dr. Taintor's health records or health services.

CONSENT

Nicholas Bunker Taintor, M.D., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my licensure to practice medicine and surgery in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS as follows:

1. The license of Nicholas Bunker Taintor, M.D. to practice medicine and surgery is **SUSPENDED**.

2. The suspension shall be **STAYED** upon proof of Dr. Taintor's entry into a Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP") within thirty (30) days of the entry of this Consent Order.

3. Upon stay of the suspension, Dr. Taintor shall remain in the HPMP and comply fully with the terms of his contract(s), and any addenda thereto, until he successfully completes the program. In accordance with Dr. Taintor's contract, the Board will be notified of any noncompliance with, or dismissal or resignation from the HPMP.

4. Failure to comply with the terms and conditions of the stay of suspension shall result in the immediate rescission of the stay of suspension of the license of Nicholas Bunker Taintor, M.D., and the license shall be recorded as suspended. After any rescission of the stay of suspension, Dr. Taintor may, within 33 days of the effective date of the rescission, request a formal administrative hearing before the Board.

5. Any violation of this Order or any statute or regulation governing the practice of medicine and surgery shall constitute grounds for further disciplinary action.

available for public inspection and copying upon request.

FOR THE BOARD

Virginia Board of Medicine.

ENTERED: 7/31/2017

SEEN AND AGREED TO:

Nicholas Bunker Taintor, M.D.

COUNTY/CITY OF Washington DC., TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this

29th day of July, 2017



Notary Public

My commission expires:

08/31/2022

Registration No.: