

**BOARD OF MEDICAL PRACTICE**

In re: James Scott Stone, M.D.

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Docket No. MPS 77-0611

**STIPULATION AND CONSENT ORDER**

NOW COME James Scott Stone, M.D., and the State of Vermont, by and through Vermont Attorney General William H. Sorrell, and hereby stipulate and agree to the following in the above-captioned matter:

1. James Scott Stone, M.D. ("Respondent") holds Vermont medical license number 042.0008776 originally issued by the Vermont Board of Medical Practice on July 7, 1993.
2. Jurisdiction in this matter rests with the Vermont Board of Medical Practice ("the Board"), pursuant to 26 V.S.A. §§ 1353-1357, 3 V.S.A. §§ 809-814, and other authority.

**FINDINGS OF FACT**

3. The Board opened the Docket No. MPS 77-0611 matter in December of 2011 upon receipt of information concerning Respondent. The matter was assigned to the South Investigative Committee of the Board ("the Committee").
4. Respondent is the owner of Treatment Associates, Inc. Respondent is also one of the physicians providing patient care at Treatment Associates, Inc. Treatment Associates, Inc. is a medication-assisted therapy program for the treatment of opioid dependence. The program consists of medication management, group and individual therapy and accountability requirements (urine screens, pill/film counts).

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Respondent's treatment of these patients included the prescribing and management of buprenorphine.

5. After a thorough investigation, the Committee determined that a certain number of Respondent's patient records failed to meet the applicable standard of care as a result of a certain of the following deficiencies:

- a Lack of documentation of Respondent's overall involvement in his patients' care, particularly in treatment planning and evaluation; and/or
- b Lack of documentation that Respondent reviewed and considered relevant and important documentation in his patients' records; and/or
- c Important elements of patient records were missing, such as: initial evaluations conducted by the appropriate medical professional; initial physical exams and evaluations; program intake forms; discussion of medication risks/benefits; written informed consent for treatment; urine toxicology, drug screening test and pill count results; information regarding treatment completion, disposition or referral; documentation of coordination of care with other providers; assessment and plan regarding treatment progress; periodic comprehensive patient evaluations; and consistent documented use of the Vermont Prescription Monitoring System.

#### CONCLUSIONS OF LAW

6. It is unacceptable medical practice for a licensee to inadequately document his treatment of patients, and to have incomplete patient records. Such conduct may constitute the performance of unsafe or unacceptable patient care and the failure to

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conform to the essential standards of acceptable and prevailing practice in violation of 26 V.S.A. §§ 1354(b)(1) and (2).

7. Respondent acknowledges that it is the Board's position that if the State were to file charges against him it could satisfy its burden at a hearing and a finding adverse to him could be entered by the Board, pursuant to 26 V.S.A. § 1354(b)(2), based upon at least three acts and/or omissions that constitute unprofessional conduct violations.
8. Respondent agrees that the Board may enter as its facts and/or conclusions paragraphs 1 through 5 above, and further agrees that this is an adequate basis for the Board actions set forth herein. Any representation by Respondent herein is made solely for the purposes set forth in this agreement.
9. Therefore, in the interest of Respondent's desire to fully and finally resolve the matter presently before the Board, he has determined that he shall enter into the instant agreement with the Board. Respondent enters no further admission here, but to resolve this matter without further time, expense and uncertainty, he has concluded that this agreement is acceptable and in the best interest of the parties.
10. Respondent acknowledges that he is knowingly and voluntarily entering into this agreement with the Board. He acknowledges he has had the advice of counsel regarding this matter and in the review of this Stipulation and Consent Order. Respondent is fully satisfied with the legal representation he has received in this matter.
11. Respondent agrees and understands that by executing this document he is waiving any right to challenge the jurisdiction and continuing jurisdiction of the Board in this matter, to be presented with a specification of charges and evidence, to cross-

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examine witnesses, and to offer evidence of his own to contest any allegations by the State.

12. The parties agree that upon their execution of this Stipulation and Consent Order, and pursuant to the terms herein, the above-captioned matter shall be administratively closed by the Board. Thereafter, the Board will take no further action as to this matter absent non-compliance with the terms and conditions of this document by Respondent.
13. This Stipulation and Consent Order is conditioned upon its acceptance by the Vermont Board of Medical Practice. If the Board rejects any part of this document, the entire agreement shall be considered void. Respondent agrees that if the Board does not accept this agreement in its current form, he shall not assert in any subsequent proceeding any claim of prejudice from any such prior consideration. If the Board rejects any part of this agreement, none of its terms shall bind Respondent or constitute an admission of any of the facts of the alleged misconduct, it shall not be used against Respondent in any way, it shall be kept in strict confidence, and it shall be without prejudice to any future disciplinary proceeding and the Board's final determination of any charge against Respondent.
14. Respondent acknowledges and understands that this Stipulation and Consent Order shall be a matter of public record, shall be entered in his permanent Board file, shall constitute an enforceable legal agreement, and may and shall be reported to other licensing authorities, including but not limited to: the Federation of State Medical Boards Board Action Databank and the National Practitioner Data Bank. In

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exchange for the actions by the Board, as set forth herein, Respondent expressly agrees to be bound by all terms and conditions of this Stipulation and Consent Order.

15. The parties therefore jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board, it may enter an order implementing the terms and conditions herein.

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**ORDER**

WHEREFORE, based on the foregoing, and the consent of Respondent, it is hereby ORDERED that:

1. Respondent shall be reprimanded for the conduct set forth above.
2. Respondent shall pay an administrative penalty of three thousand dollars (\$3,000.00) consistent with 26 V.S.A. § 1361(b). Payment shall be made to the "State of Vermont Board of Medical Practice," and shall be sent to the Vermont Board of Medical Practice office, at the following address: David Herlihy, Executive Director, Vermont Board of Medical Practice, P.O. Box 70, Burlington VT 05402-0070. The payment shall be received by the Board no later than March 1, 2017.
3. Respondent's Vermont medical license shall be suspended for a three-day period commencing on March 1, 2017, and ending on March 3, 2017.

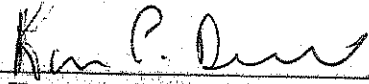
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**SIGNATURES**

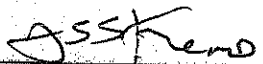
DATED at Montpelier, Vermont, this 4th day of January, 2017.

STATE OF VERMONT


THOMAS J. DONOVAN, JR.  
ATTORNEY GENERAL

By:   
Kassandra P. Diederich  
Assistant Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, VT 05609-1001

DATED at Montpelier, Vermont, this 10<sup>th</sup> day of January, 2017.

  
James Scott Stone, M.D.  
Respondent

DATED at Rutland, Vermont, this 12<sup>th</sup> day of January, 2017.

  
John J. Welch, Esquire  
8 E Center Street  
Rutland, VT 05701  
Counsel for Respondent

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AS TO JAMES SCOTT STONE, M.D.

APPROVED AND ORDERED  
VERMONT BOARD OF MEDICAL PRACTICE

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MD Lynn L MD

John M. Taylor

[Signature]

Thomas Susan Javal

Robt [Signature]

[Signature]

Brewster

[Signature]

Dated: February 1<sup>st</sup>, 2017

ENTERED AND EFFECTIVE: February 1<sup>st</sup>, 2017

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