

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: Cynthia A. Haselton, M.D.) Docket No. MPS 12-0212
)
)

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by and through Attorney General William H. Sorrell, and Cynthia A. Haselton, M.D., and stipulate and agree as follows:

1. Cynthia A. Haselton, M.D. ("Respondent") holds Vermont medical license No. 042-0009288, first issued on May 1, 1996.
2. Jurisdiction in these matters vests with the Vermont Board of Medical Practice ("Board"), pursuant to 26 V.S.A. §§ 1353-1361, 3 V.S.A. §§ 809-814, and other authority.

Findings of fact

3. The Board opened the above-captioned matter upon receipt of information that Respondent had been prescribing controlled substances to herself.
4. Between February 2004 and December 2011, Respondent wrote at least 288 prescriptions for controlled substances. Most of the prescriptions were for dextroamphetamine, a Schedule II controlled substance commonly sold under the brand name Adderall. Some of the prescriptions were for hydrocodone, a Schedule III controlled substance commonly sold under the brand names Vicodin and Lortab.

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

5. The prescriptions were written in the names of several non-existent individuals, as well as one actual individual.

6. Respondent created false medical records for the non-existent individuals to whom she wrote the prescriptions.

7. Respondent filled the prescriptions at several pharmacies in Chittenden and Addison Counties and kept the medications for her personal use.

8. When a Board investigator and an investigator from the Drug Enforcement Agency ("DEA") interviewed Respondent, she claimed to have written prescriptions to various family members and acquaintances. Respondent also claimed to have written prescriptions for a friend who lived outside of Vermont and that she would fill the prescriptions and mail some of the medication to her friend and keep the rest for herself.

9. Subsequent investigation revealed that Respondent did not mail medication to her friend and that the alleged acquaintances were non-existent individuals.

10. Respondent voluntarily surrendered her controlled substances privileges to the DEA on February 15, 2012. She requested that her Vermont medical license be inactivated as of July 10, 2012 and discontinued her practice of medicine.

11. On October 18, 2012, Respondent pleaded guilty to one felony count of prescription fraud in the matter of *State of Vermont v. Cynthia*

Haselton, docket number 4152-10-12 Cncr. She was sentenced to a four year deferred sentence, during which time she is required to perform 200 hours of community service and adhere to standard and special conditions of probation, including drug treatment and testing.

12. Respondent provided 3 controlled substance prescriptions to an immediate family member, 1 for hydrocodone and 2 for amphetamines. The Committee's investigation did not discover any medical records documenting the care Respondent provided to the family member.

13. Respondent provided 10 controlled substance prescriptions to another immediate family member, 6 for stimulants used in the treatment of ADHD and 4 for benzodiazepines. The Committee's investigation did not discover any medical records documenting the care Respondent provided to the family member.

Conclusions of law

14. It is unprofessional conduct for a licensee to prescribe or order any drug legally classified as a controlled substance for the licensee's own use. 26 V.S.A. § 1354(a)(37).

15. It is unprofessional conduct for a licensee to willfully make and file false reports or records in her practice as a physician. 26 V.S.A. § 1354(a)(8).

16. It is unprofessional conduct for a licensee to provide the Board with false information in response to information requested in furtherance of

its statutory duties. 26 V.S.A. § 1354(a)(34).

17. It is unprofessional conduct for a licensee to be convicted of a crime related to the practice of the medical profession. 26 V.S.A. § 1354(a)(30).

18. It is unacceptable medical practice for a licensee to improperly prescribe controlled substances. Such conduct may constitute unacceptable patient care and the failure to conform to the essential standards of acceptable and prevailing practice in violation of 26 V.S.A. §§ 1354(b)(1) and (2).

19. It is unprofessional conduct for a licensee to prescribe or order any drug legally classified as a controlled substance for the licensee's immediate family members, as defined in Board Rule 4.3. 26 V.S.A. § 1354(a)(37).

20. Consistent with Respondent's cooperation with the Board, she agrees that if the State were to file charges against her it could satisfy its burden at a hearing and a finding adverse to her could be entered by the Board, pursuant to 26 V.S.A. §§ 1354(a)(8), (30), (34), and (37) and 26 V.S.A. §§ 1354(b)(1) and (2).

21. Respondent agrees that the Board may enter as its facts and/or conclusions in this matter Paragraphs 1 through 13, 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.

22. Therefore, in the interest of Respondent's desire to fully and

finally resolve the matter presently before the Board, she has determined that she 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, she has concluded that this agreement is acceptable and in the best interest of the parties.

23. Respondent acknowledges that she is knowingly and voluntarily entering into this agreement with the Board. She acknowledges she 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 she has received in this matter.

24. Respondent agrees and understands that by executing this document she 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-examine witnesses, and to offer evidence of her own to contest any allegations by the State.

25. The Board and Respondent 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 and except as otherwise provided herein.

26. This Stipulation and Consent Order is conditioned upon its

acceptance by the Board. 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, she 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, and it shall be without prejudice to any future disciplinary proceeding and the Board's final determination of any charge against Respondent.

27. Respondent acknowledges and understands that this Stipulation and Consent Order shall be a matter of public record, shall be entered in her 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, the National Practitioner Data Bank, and the Healthcare Integrity and Protection Data Bank.

28. In 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.

29. 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.

Order

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

a. Respondent's Vermont medical license shall be suspended for a three-year period commencing on July 7, 2012.

b. Respondent's Vermont medical license shall be conditioned for a two-year period commencing on July 7, 2015 to preclude Respondent from prescribing DEA Schedule II or III controlled substances. Respondent shall also be required to practice medicine only in a structured, group setting, subject to the prior approval of the South Investigative Committee ("Committee") or the Board, during the two-year period commencing on July 7, 2015.

c. Commencing on July 7, 2017 and continuing for four years thereafter, Respondent shall retain the services of a "practice monitor" of her choosing, subject to preapproval by the Committee or the Board. Every three months, the practice monitor shall select ten patient charts from a list of all patients Respondent has treated during the preceding three months and review the care provided by Respondent and evaluate whether Respondent has met the applicable standard(s) of care. At least five of the patient charts shall include patients to whom Respondent has prescribed controlled substances during the preceding three months, if any. The practice monitor shall prepare a report of his or her findings and submit it to the Committee. Respondent shall be solely responsible for all costs associated with the practice monitor.

Respondent shall be responsible for ensuring that the practice monitor's reports are timely submitted to the Committee. After one year of quarterly positive reviews by a practice monitor, the frequency of the reviews, shall be reduced to one every six months.

d. Prior to returning to practice, Respondent shall satisfactorily complete at least 40 credits of continuing medical education ("CME") that primarily addresses controlled substances prescribing. Respondent shall seek the Committee or Board's advance approval of a proposed CME course(s) of at least 10 of those hours no later than 45 days prior to the date of the course. Upon Respondent's successful completion of the 45 hours of course(s), she shall provide the Committee with official proof thereof and report to the Committee, in writing, what she learned from the course and how she will apply that knowledge to her practice. Respondent shall be solely responsible for all costs associated with the continuing medical education course(s).

e. Respondent shall participate fully and in good faith in care and treatment under the auspices of the Vermont Practitioner Health Program ("VPHP"). Respondent expressly agrees that she shall abide fully and in good faith with all provisions of her VPHP contract. Respondent shall not cease, terminate, or interrupt her participation in VPHP without the advance written approval of the Committee or Board, following presentation of a written petition from her in this regard. The Respondent and VPHP may agree to modifications of the provisions of her VPHP contract without Board approval.

The Committee and Board shall retain sole discretion to approve or disapprove any such petition. Respondent agrees she shall take reasonable steps to ensure that copies of all written reports, information, or assessments related to her participation in VPHP, with regard to her care, treatment, medical history, diagnosis, test results, or other matters are promptly provided to the Committee or Board. Respondent expressly agrees that VPHP may directly disclose such information to the Committee or Board so as to enable the Committee or Board to verify the accuracy and completeness of such reports.

f. Respondent shall comply fully with the terms and conditions of the Deferred Sentence and Probation Order entered by the Vermont Superior Court, Criminal Division, Chittenden Unit in the matter of *State of Vermont v. Cynthia Haselton*, docket number 4152-10-12 Cncr.

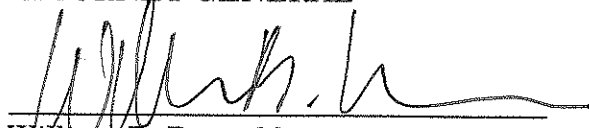
g. Respondent shall pay an administrative penalty of \$5,000.00 to the Board no later than 2 years after the date she resumes the practice of medicine. Respondent may petition the Committee or Board in writing to be partially or fully relieved of this obligation based upon undue hardship or inability to pay. The Committee and Board shall retain sole discretion to approve or disapprove any such petition.

Dated at Montpelier, Vermont, this 7th day of May, 2014.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

by:



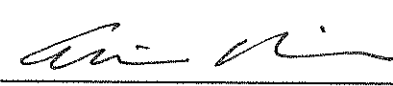
William B. Reynolds
Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001

Dated at Burlington, Vermont, this 14 day of April, 2014.



CYNTHIA A HASELTON, M.D.
Respondent

Dated at Burlington, Vermont, this 14 day of April, 2014.



Eric S. Miller, Esq.
Sheehey Furlong & Behm, P.C.
P.O. Box 66
Burlington, VT 05402-0066
Counsel for Respondent

AS TO CYNTHIA A. HASELTON, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

Jamie M. Gallant, M.D.
FC in Air

Phyllis Susan Searl MD
MD M. Udy

Peterson A. Ly MD PhD

RNA Fenster MD

Robert A. Brown MD

David A. Jenkins

Brent Bluzze MD/ID

Clayton

DATED: May 7th, 2014

ENTERED AND EFFECTIVE: May 7th, 2014