

**STATE OF VERMONT  
BOARD OF MEDICAL PRACTICE**

In Re: )  
 )  
Noelle Thabault ) MPN 33-0206  
 ) )  
Respondent )

**AMENDED STIPULATION AND CONSENT ORDER II**

Now come Noelle Thabault, M.D. (hereinafter "Respondent") and the State of Vermont, by and through Attorney General William H. Sorrell, and stipulate to the following:

1. Respondent is currently licensed to practice medicine in the State of Vermont, holding license number 042-0008587.
2. The Vermont Medical Practice Board (hereinafter "Board") has jurisdiction over this matter pursuant to 26 VSA §§ 1353, 1354 & 1398 and 3 VSA §§ 809.

**BACKGROUND**

3. The Board and the Respondent entered into a Stipulation and Consent Order dated September 6, 2006, (hereinafter the Agreement). On May 2, 2007 the Board and Respondent entered into an Amended Stipulation and Consent Order. Under the Amended Stipulation and Consent Order the Respondent completed the ongoing medical follow-ups and treatment with her treatment providers as required. Further, the Respondent provided the summary treatment reports on a quarterly basis as required. (paragraph 6 of the Amended Stipulation and Consent Order).

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

4. This Amended Stipulation and Consent Order II supersedes and replaces in its entirety the Agreement as well as the May 2, 2007 Amended Stipulation and Consent Order.

#### STIPULATION OF CONDITIONS

The State agrees that Respondent's limitations on practice are removed subject to the following conditions and the Respondent agrees to accept these conditions:

7. Respondent agrees to follow any recommendations of the evaluations the Board determines necessary to assure that Respondent's application of her clinical skills and capabilities is appropriate.
8. Respondent agrees to have a monitoring physician, approved by the Board, who shall perform the following duties: (1) Perform pre-operative reviews of all non-emergency in-patient and out-patient surgery (see paragraph 11 for definition); (2) When possible, perform pre-operative reviews of emergency in-patient and out-patient surgery; (3) If pre-operative review of emergency surgeries is not possible Respondent shall ensure that the monitoring physician perform post-operative reviews of emergency surgeries; (4) Meet with Respondent once a month to discuss surgical cases previously reviewed and a sampling of Respondent's cases from previous months covering various medical problems normally encountered and about which Respondent has questions regarding management. Respondent shall ensure that the monitoring physician report to the Board on a quarterly basis meaning June 15, September 15, December 15 and March 15, regarding Respondent's progress and listing the areas discussed at monthly meetings.

9. Respondent agrees that for all surgical procedures, she shall be responsible for determining whether the presence of a surgical assistant is required. Respondent agrees that if she determines that the presence of a surgical assistant is required for a procedure, she shall be responsible for determining whether such assistance shall be provided by a physician or a non-physician practitioner. Respondent agrees that she shall be responsible for requesting and ensuring that any needed surgical assistance, as determined by her, is available and present at time of the procedure in question.
10. Respondent shall limit to twenty (20) the number of non-emergent patients seen daily.
11. Respondent shall limit to four (4) per day the number of non-emergent surgeries Respondent performs. The term "surgery" or "surgeries" in this Amended Stipulation and Consent Order II shall not include in-office procedures performed by Respondent.
12. Respondent agrees to limit her call rotation to once every three days and one weekend per month but Respondent shall average one in every four days as her basic call rotation requirements. Respondent agrees to not to perform surgery on the days following her call days, except that Respondent may perform surgery on the Saturday and Sunday of her weekend call rotation if such surgery is immediately required.
13. Respondent may petition for relief from or modification of this Stipulation and Consent Order no sooner than September 1, 2008. The Respondent is bound by the terms and conditions of this Amended Stipulation and Consent Order II until such time in the future as she may be expressly relieved of these terms and conditions or they are modified, in writing, by the Board.



14. Respondent agrees to provide copies of this Amended Stipulation and Consent Order II to any employer or contractor or partnership involved in Respondent's practice of medicine. Respondent agrees to provide copies of the Stipulation and Consent Order approved by the Board on September 6, 2007 as well as the Amended Stipulation and Consent Order approved by the Board on May 2, 2007 to any employer or contractor or partnership involved in Respondent's practice of medicine.
15. Respondent shall provide copies of the September 6, 2006 Stipulation and Consent Order as well as the May 2, 2007 Amended Stipulation and Consent Order to her monitoring physician/practice mentor if requested.
16. Respondent agrees to provide copies of the Amended Stipulation and Consent Order II to Respondent's monitoring physician/practice mentor.
17. Respondent acknowledges she has been advised by counsel. Respondent agrees and understands that by executing this document she is waiving the necessity of proceedings, findings, and an order by the Board, pursuant to 3 VSA §814(c). Respondent voluntarily and knowingly agrees to the terms and conditions herein.
18. Respondent shall execute any and all waivers that may be required for the Board, its staff or agents, to review any material related to the assessments, evaluations, or reports regarding her compliance with this Amended Stipulation and Consent Order II.
19. Respondent agrees she has read and carefully considered all of the terms and conditions herein and agrees to accept and be bound by them until such time in the future as she may be expressly relieved of them or they are modified, in writing, by the Board. Respondent expressly agrees that she shall promptly sign any and all



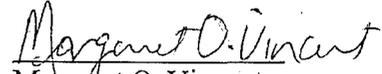
consents and/or waivers of confidentiality that may be required so as to permit full and complete disclosure so as to permit the Board, its staff or agents, to monitor Respondent's ability to practice medicine safely.

20. The parties agree that this Amended Stipulation and Consent Order II shall be a public document, shall be made part of the Respondent's licensing file and may be reported to other licensing authorities including, but not limited to, the National Practitioner Data Base and the Federation of State Medical Boards.
21. This Amended Stipulation and Consent Order II is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until presented to and approved by the Board. If the Board rejects any part of this agreement, the entire agreement shall be considered void. The parties agree and request that the Board enter an order adopting the terms and conditions set forth herein. Respondent agrees that the Board shall retain jurisdiction to enforce as necessary the terms and conditions herein, pursuant to 26 V.S.A. §1354 (25), or other statutory authority.
22. Respondent agrees that when the Amended Stipulation and Consent Order II is approved by the Board, the Stipulation and Consent Order is an Order of the Board pursuant to 25 V.S.A. §1354 (25) and any failure of Respondent to adhere to the conditions of this Amended Stipulation and Consent Order II shall be grounds for charges of unprofessional conduct.

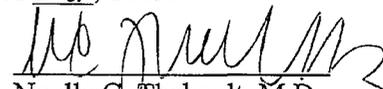


Dated at Burlington, Vermont this 25 day of June, 2009.

**WILLIAM SORRELL  
ATTORNEY GENERAL  
STATE OF VERMONT  
BY**

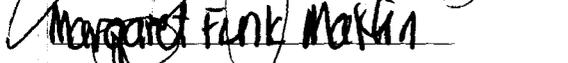
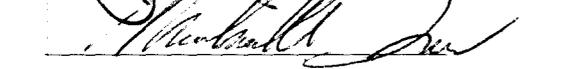
  
Margaret O. Vincent  
Assistant Attorney General

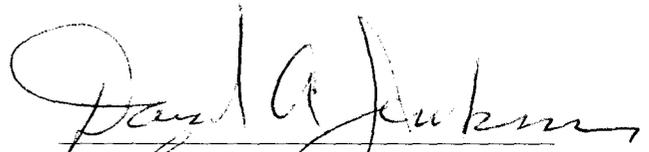
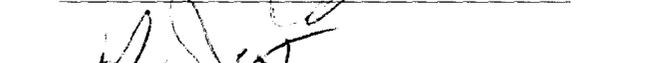
Dated at Rutland, Vermont this 30 day of June, 2009.

  
Noelle C. Thabault, M.D.  
Respondent

Office of the  
ATTORNEY  
GENERAL  
109 State Street  
Montpelier, VT  
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FOREGOING, AS TO NOELLE C. THABAULT, M.D.,  
APPROVED AND ORDERED, VERMONT BOARD  
OF MEDICAL PRACTICE:

  
Margaret Funk Martin  
  
  


  
  
  
  
Peter Phanasai, M.D.

DATED: 7/1/09

ENTERED & EFFECTIVE: 7/1/09