

4. Respondent cooperated fully with the Board's investigation. Respondent admitted that some of the records in question could be difficult for other practitioners to read and agreed that more detail and content would have made them more useful to other practitioners. On February 5, 2003, the Board of Medical Practice approved a Stipulation and Consent Order under which Respondent agreed, *inter alia*, to take steps related to his medical record keeping: (a) he agreed to pursue the two-day intensive course in medical record keeping at the Case Western Reserve University; and (b) work directly with a consultant on medical record keeping who would review Respondent's charts and provide feedback to Respondent and the Board. Respondent completed the coursework in 2003. Respondent in 2004 completed initial consultation regarding his record keeping and in 2005 completed follow-up review and consultation. A report summarizing the 2005 review found that Respondent's medical records by then were being typed (and were legible) and that his medical records were consistent in content with accepted professional standards.

B. MPN 57-0405.

5. In 2005, Respondent entered into a settlement with the Federal Government under which he agreed to pay to the United States \$126,000 to settle claims that between 1996 and 2001 he had billed the Medicare Program for some services that were not adequately reflected in some patient medical records that he had created. Settlement of this matter did not require that Respondent admit to any wrongdoing, and Dr. Stickney has maintained that he provided high quality medical care to his patients. The Federal Government agreed that it had no evidence suggesting otherwise. Respondent agreed not to contest entry of a judgment in the amount of \$126,000 in favor of the Federal Government. Respondent subsequently satisfied the full amount due the Government under the settlement agreement.

6. The State of Vermont alleges that one or more of the medical records at issue in the above settlement inadequately documented aspects of patient care and were inconsistent with professional standards.

II. Agreement.

A. Open Board Matters.

7. Respondent has cooperated fully with the Board of Medical Practice at all times during its review of matters involving his practice. In response to past concerns, Respondent emphasizes that he has voluntarily implemented and continues to take steps to fully meet professional standards in his medical record keeping and office procedures.

8. Respondent has determined that he wishes to resolve with finality all matters now open before the Board and therefore will enter into this agreement.¹ Respondent agrees with regard to MPN 57-0405, involving his settlement with the Federal Government, that had the State of Vermont filed a specification of charges and satisfied its evidentiary burden at public hearing, the Board could have entered a finding adverse to him, under 26 V.S.A. § 1354 and/or § 1398. Respondent enters no other admission here. Respondent agrees that the Board of Medical Practice may enter as its findings and/or conclusions Paragraphs 5 through 8 of this agreement, thus providing a legal basis for the actions agreed to herein by the parties. The parties agree that in light of these paragraphs, the Vermont Board of Medical Practice may and shall enter an order of **public reprimand** of Respondent for the conduct alleged herein by the State.

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1. The Board's North Investigative Committee, following approval of the instant agreement by the Board of Medical Practice, will recommend administrative closure of [REDACTED] before the Board, i.e., Docket Nos. [REDACTED] and [REDACTED]. The parties enter into this agreement with the understanding that the North Investigative Committee will make such a recommendation. [REDACTED], the Board, upon the motion of either party, shall set the instant agreement aside.

B. Respondent's Petition for Relief.

9. Respondent in September 2008 petitioned the Board for removal of the conditions that were imposed on his Vermont medical license in 2003 by the Stipulation and Consent Order in Docket No. MPN 80-1001. Respondent urged in petitioning the Board that he had fulfilled the requirements of that agreement and had made all changes and adjustments that had been recommended regarding his medical recordkeeping. In light of the instant agreement, the State of Vermont does not oppose Respondent's petition.

10. The parties agree that under the terms of this Stipulation and Consent Order, the Board of Medical Practice shall administratively close Docket Nos. MPN 80-1001 and MPN 57-0405. Thereafter, all conditions on Respondent's Vermont medical license, previously imposed by agreement in Docket MPN 80-1001, shall be terminated under this Stipulation and Consent Order. Respondent's Vermont medical license thereafter shall be without restriction or limitation.

III. Other Matters.

11. The parties agree that no specification of charges or hearing is required in Docket No. MPN 57-0405 in light of Respondent's continuing cooperation and willingness to enter into the instant agreement. Respondent acknowledges and agrees that he is knowingly and voluntarily agreeing to this Stipulation and Consent Order. He acknowledges and agrees that he has had advice of counsel regarding this matter and in reviewing this Stipulation and Consent Order. Respondent is well satisfied with all legal representation he has received in this matter. Respondent agrees and understands that by executing this document he is waiving any right to be served with formal charges, to challenge the jurisdiction and continuing jurisdiction of the Board in this matter, to be presented with the evidence against him, to cross-examine adverse witnesses, and to offer evidence of his own in a hearing to contest any charge by the State.

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12. Respondent agrees that he has read and carefully considered all terms, conditions, and provisions herein before signing this agreement. The parties agree that this Stipulation and Consent Order shall be a public document, shall be part of Respondent's licensing file, and shall be reported to other licensing authorities and/or entities including the National Practitioner Data Bank and the Federation of State Medical Boards.

13. This Stipulation and Consent Order is subject to review and acceptance by the Board of Medical Practice and shall not become effective until approved by the Board. If the Board rejects any part of this Stipulation and Consent Order, the entire agreement shall be void. However, the parties agree, that should this agreement be deemed acceptable, the Board may enter orders: (a) reprimanding Respondent's license to practice medicine in Docket No. MPN 57-0405; and (b) pursuant to this agreement, terminating all conditions previously imposed on Respondent's Vermont medical license, on February 5, 2003, in Docket No. MPN 80-1001.

Dated at Montpelier, Vermont, this 1st day of October 2009.

STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

by:

James S. Arisman
JAMES S. ARISMAN
Assistant Attorney General

Dated at Rutland 9-30-09 Vermont, this ___ day of ___ 2009.

Peter C. Stickney, M.D.
PETER C. STICKNEY, M.D.
Respondent

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FOREGOING, AS TO PETER C. STICKNEY, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

[Handwritten signatures]

Margaret Fink Martin

[Handwritten signature]

DATED: 10/7/09
ENTERED AND EFFECTIVE: 10/7/09

Stip/Consent: Stickney, M.D.; JSA; Not Approved by BMP Until Executed and Entered Above

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