

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: Christopher Bondi, M.D.)
) Docket No. MPS15-0209
)

STIPULATION AND CONSENT ORDER

NOW COME Christopher Bondi, M.D. (“Respondent”) and the State of Vermont, by and through Attorney General William H. Sorrell and undersigned counsel, Assistant Attorney General Margaret O. Vincent, and stipulate as follows:

1. Christopher Bondi, M.D., Respondent, was a resident at Fletcher Allen Health Care (“FAHC”) until February 2009 and held a limited temporary license #060-0003631.
2. Jurisdiction rests in the Vermont Board of Medical Practice (the “Board”) pursuant to 26 V.S.A. §§ 1353, 1354, 1398 and 3 V.S.A. §§ 809 and 814(c) and (d).
3. Respondent acknowledges that he voluntarily enters into this Stipulation and Consent Order. He acknowledges that he had the advice of counsel regarding the matter before the Board and advice of counsel in reviewing this Stipulation and Consent Order. He 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 these matters, to be presented with the evidence against him, to cross-examine adverse witnesses, and to offer evidence of his own to contest the State’s charges. 26 V.S.A. § 1356; 3 V.S.A. §§ 809, & 814.

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ATTORNEY
GENERAL
109 State Street
Montpelier, VT
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I. FACTUAL FINDINGS

4. Respondent held a temporary limited license as an anesthesiologist resident at FAHC. In February of 2009, FAHC informed the Board that Respondent had taken a medical leave of absence. Respondent's temporary limited license lapsed on June 30, 2009.

5. The Board initiated an investigation regarding the circumstances of Respondent's medical leave from FAHC and discovered that Respondent had collapsed from an overdose of a non-prescribed medication.

6. Respondent admitted to his supervisors at FAHC that he had a substance abuse problem.

7. Respondent admitted himself into the Talbott Recovery Campus on February 7, 2009. He successfully completed the program.

8. Respondent is presently enrolled with the Vermont Practitioner Health Program (VPHP). Respondent and VPHP entered into a five-year Monitoring Contract, effective May 14, 2009.

9. Respondent plans to return to the practice of medicine but will not be pursuing a residency in anesthesia.

10. Consistent with his continuing cooperation with the Board in its investigation of this matter, Respondent does not contest the facts set forth above in paragraphs 4 through 9 above and agrees that the Board of Medical Practice may adopt and enter paragraphs 4 through 9 as uncontested findings of fact in this matter.

11. No specification of charges has been filed by the State in this matter. Respondent has not previously been the subject of disciplinary action by the Vermont Board of Medical

Practice. Respondent has cooperated with the Board of Medical Practice during its investigation of this matter.

II. CONCLUSIONS OF LAW

12. 3 V.S. A. §814 (d) states that “An agency having jurisdiction to conduct proceedings and impose sanctions in connection with conduct of a licensee or former licensee shall not lose jurisdiction if the license is not renewed or is surrendered or otherwise terminated prior to initiation of such proceedings.

13. 26 V.S.A. § 1354 (a) reads “The board shall find that any one of the following, or any combination of the following, whether or not conduct at issue was committed within or outside the state, constitutes unprofessional conduct... (27) failure to comply with provisions of federal or state statutes or rules governing the practice of medicine or surgery.”

14. Respondent agrees that pursuant to 3 V.S.A. §814 (d) the Board has jurisdiction to discipline him for his unprofessional conduct and that his overdose in February of 2009 constitutes unprofessional conduct as defined by 26 V.S.A. §1354 (a) (27).

III. ORDER

15. Respondent agrees to follow and abide by VPHP’s Monitoring Contract, which is incorporated herein, and to follow any additional VPHP recommendations under that Contract to ensure that he is in compliance with this Stipulation and Consent Order (Order). Respondent understands and agrees that a breach of his Monitoring Contract, as set forth in its section XVII, will result in a breach of this Order. Respondent agrees to provide the Board with a copy of any and all subsequent evaluations and reports from VPHP unless Respondent knows that VPHP has already provided the evaluations and reports directly to the Board.

16. Respondent agrees that he shall abide by and follow all recommendations that are presented to him by any and all treatment programs and/or therapists, as required under the terms of the VPHP Monitoring Contract. He agrees that he shall promptly sign any and all necessary consents and/or waivers of confidentiality as to his participation in such treatment programs and counseling sessions so as to permit full and complete disclosure of information to VPHP, and through VPHP, to the Board, for the purpose of permitting the Board to monitor his compliance with this Order. Respondent has already signed all releases required to date authorizing VPHP to obtain information from his treatment providers and to communicate this information to the Board. See, Monitoring Contract, section IV.

17. Respondent agrees that he will seek an amendment of the term of his VPHP Monitoring Contract to ensure that it is in effect for the full five years this Order is effective.

18. Respondent agrees that upon returning to the practice of medicine that he will obtain a Practice Monitor. Respondent agrees that the Practice Monitor must be approved by the Board, or the assigned Investigative Committee. The role of the Practice Monitor is within the VPHP Monitoring Contract and is incorporated herein.

19. Respondent agrees that he will not take an anesthesiology residency unless approved in writing by both his Treatment team and the Board.

20. Respondent agrees to provide copies of this Stipulation and Consent Order to any prospective employer, employer or contractor or partnership involved in Respondent's practice of medicine and to any State medical board or other licensing authority in any location or jurisdiction where he may seek to practice or where he may make application, so long as this agreement remains in effect. Respondent agrees to provide copies of this Stipulation and Consent Order to his Practice Monitor.

21. Respondent shall bear all costs to the above conditions. Respondent's lapsed Vermont license to practice medicine shall include the designation "Conditioned" for 5 years. The Respondent bears the burden of presenting a petition for the removal of or relief from conditions at the conclusion of the five year period. Respondent agrees that if his license is renewed that such license will be designated as Conditioned and that all the above conditions will apply for 5 years.

22. The parties agree that this Stipulation and Consent Order shall be a public document, shall be made part of Respondent's licensing file, and shall be reported to other licensing authorities and/or entities including, but not limited to, the National Practitioner Data Bank and the Federation of State Medical Boards.

23. This Stipulation and Consent Order 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 Stipulation and Consent Order, the entire agreement shall be considered void. However, should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board, the parties request that the Board enter an order **Conditioning** Respondent's Medical License as set forth above, that such certificate be subject to each of the terms and conditions as set forth herein.

24. Respondent agrees to be bound by all terms and conditions of this Stipulation and Consent Order. Respondent agrees that any failure by him to comply with the terms of this Stipulation and Consent Order, shall constitute unprofessional conduct under 26 V.S.A. §1354 (a) (25) and may subject Respondent to such further disciplinary action as the Board may deem appropriate.

25. Consistent with his continuing cooperation with the Board, Respondent agrees that, if the State were to satisfy its burden at hearing as to the allegations, a finding adverse to him could

be entered by the Board, pursuant to 26 V.S.A. §1354. In the interest of resolving this matter expeditiously and continuing his full cooperation in this matter, Respondent agrees to enter into this Stipulation, in lieu of the State filing formal charges.

Dated at Burlington, Vermont, this 25 day of February, 2010.

STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

by: Margaret O. Vincent
MARGARET O. VINCENT
Assistant Attorney General

Dated at Burlington, Vermont, this 25th day of February, 2010.

Christopher Bondi
CHRISTOPHER BONDI

Eileen Elliott
EILEEN ELLIOTT
Attorney for Respondent

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FOREGOING, AS TO CHRISTOPHER BONDI, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

John R. Dade, MD Robert M. Meyer, MD
David W. Cass, MD
Patricia A. King, MD PhD
Peter Hanaslaw, MD
Shirley Gung
David A. Jenkins
Jamie E. Ryan, MD

DATED: 3/3/10
ENTERED AND EFFECTIVE: 3/3/10

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