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STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: James M. Napier, M.D.

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Docket No. MPN 163-1208

CESSATION OF PRACTICE AGREEMENT

NOW COME, James M. Napier, M.D. (Respondent), and the State of Vermont, by and through Attorney General William H. Sorrell, and agree and stipulate as follows:

1. James M. Napier, M.D., holds Vermont Medical License Number, 042-009868 issued by the Board of Medical Practice. Respondent is a psychiatrist with a solo practice in Norwich, Vermont, and a part-time position at Hundred Acre Homestead, a licensed therapeutic community residence in Worcester, Vermont.

2. Jurisdiction vests with the Vermont Board of Medical Practice (Board) by virtue of 26 V.S.A. §§ 1353, 1354, 1361 & 1398 and 3 V.S.A. §§ 129, 129a, 809 & 814(c).

I. Background.

3. On February 19, 2010 the Board was notified by Respondent's Counsel that Respondent was contemplating closing his private practice due to a medical illness. On February 25, 2010 Respondent closed his medical practice and took a leave of absence from Hundred Acres a residential home in Worcester, Vermont. Respondent has been in treatment at Dartmouth Hitchcock Medical Center for his condition, under the supervision of Donald A. West, M.D..

4. Based on his current medical condition, his treatment needs, and his concern for the welfare of his patients, Respondent has determined that he shall voluntarily enter into this agreement with the Vermont Board of Medical Practice and shall continue to refrain from

any and all practice of medicine until such time as he has recovered sufficiently and can return safely to the practice of medicine. Respondent shall not return to his solo practice or Hundred Acres without approval of the Board. In making its decision the Board will carefully consider the recommendations from Dr. West and VPHP.

5. Respondent acknowledges that he has had advice of counsel regarding the matter before the Board and advice of counsel in reviewing this Agreement. He agrees and fully understands that by executing this document he is waiving the necessity of any proceedings, findings, and order by the Board of Medical Practice, pursuant to 3 V.S.A. § 814(c), so as to achieve informal disposition of this matter. Thus, Respondent voluntarily and knowingly agrees to the terms and conditions herein.

6. Respondent understands that subsequent to this agreement he may be required to enter into other terms and conditions, as may be set out in a further Board order at a later date providing for the issuance to him of a conditioned license. Such order could require Board approval and monitoring of Respondent's medical condition and treatment or referral for such purposes. Respondent has indicated his desire to cooperate fully with the Board in this regard. Thus, the parties have entered into the instant Cessation of Practice Agreement which is intended to serve as an interim means of facilitating the care and treatment of Respondent's medical needs, supporting his continued recovery, and ensuring the safety of the public. Respondent's return to the practice of medicine at a later date would be pursuant to terms to be agreed upon by the parties at that time.

II. Terms as to Cessation of Practice.

7. It is agreed by the parties that Respondent has indicated that he will cease the practice of medicine due to his medical condition. Respondent agrees that he shall refrain, following execution of this agreement, from any and all practice of medicine, including prescribing in the State of Vermont, until: (a) his current medical condition has sufficiently improved, and it is deemed safe for him to return to the practice of medicine, such determination to be made by the Board, in its sole discretion; and (b) he and the Board fully resolve the conditions and requirements that shall govern his future practice activities, his care and treatment, and monitoring thereof by the Board; or (c) further order of the Board. Respondent agrees that he shall undergo such assessment or evaluation as may reasonably be required by the Board prior to or following his return to the practice of medicine.

8. Respondent agrees he shall execute when requested any and all waivers that may reasonably be required for the Board, its investigators or an Assistant Attorney General to review any and all assessments, evaluations, diagnoses, records, or reports regarding the care and treatment of his medical condition. Respondent also agrees that the Board and/or its investigators and/or an Assistant Attorney General may communicate orally with those practitioners who are involved in his care and treatment pursuant to such release so long as this agreement remains in effect.

9. Respondent agrees to sign, follow and abide by VPHP's Monitoring Contract, and to follow any additional VPHP recommendations under that Contract to ensure that he is in compliance with this Cessation of Practice Agreement. Respondent understands and agrees that a breach of his Monitoring Contract 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.

10. Respondent agrees to pursue in good faith and without interruption such care and treatment of his medical condition as may be recommended to him by treating professionals. Respondent shall bear all costs of care and treatment, assessment and/or evaluation, monitoring and reporting.

11. The parties agree that Respondent may apply for modification or relief from the terms and conditions of this agreement, so as to permit him to return to the practice of medicine, when he and his treating practitioners agree that he is able to resume the practice of medicine in accord with standards recognized by the Vermont Board of Medical Practice. The Board agrees that this agreement may be modified or Respondent wholly relieved of its terms and conditions, provided that the Board is satisfied that Dr. Napier is medically able to practice medicine and meets all other usual and customary requirements for licensure and practice as a physician in the State of Vermont. Respondent expressly agrees that he shall promptly sign all consents and/or waivers of confidentiality that may reasonably be required to permit complete disclosure of such information so that the Board may monitor his ability to practice medicine safely and consider any petition from Respondent seeking approval of his return to the practice of medicine.

12. Respondent also understands and agrees that his compliance with the terms and conditions and with the recommendations of those providing care and treatment to him may be considered in any subsequent proceeding before the Board regarding his license. Respondent agrees that he has read and carefully considered all terms and conditions herein as to informal disposition of this matter, agrees that these may be adopted as an enforceable order of the Board, pursuant to 3 V.S.A. §§ 129(a) (3) & 809(d) and 26 V.S.A. § 1353 and

agrees to accept and be bound by these until such time as he may be expressly relieved of these or they are modified, in writing, by the Board.

13. The parties agree that this agreement does not constitute disciplinary action. However, the parties agree that this Cessation of Practice Agreement shall be a public document and shall be made part of Respondent's licensing file. Respondent's license status will be changed to "Cessation of Practice". It is understood and agreed by the parties that this designation does not signify that any disciplinary action has been taken by the Board.

14. This Cessation of Practice Agreement 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 of Medical Practice shall retain jurisdiction in this matter and may enforce as necessary the terms and conditions herein, pursuant to 26 V.S.A. §1354(25) or other statutory authority.

Dated at Montpelier, Vermont, this 5 day of April 2010.

STATE OF VERMONT

WILLIAM H. SORRELL,
ATTORNEY GENERAL

by: Margaret O. Vincent

MARGARET O. VINCENT
Assistant Attorney General

Dated at Royalton, Vermont, this 2 day of April.

James Napier, MD
JAMES M. NAPIER M.D.
Respondent,

Bernard Lambek 4/5/10

BERNARD LAMBEK, ESQ.
Attorney for Respondent

FOREGOING, AS TO JAMES M. NAPIER, M.D.,
APPROVED AND ORDERED, VERMONT BOARD
OF MEDICAL PRACTICE

David A. Jenkins *John H. [unclear]*
David W. [unclear] *Flannery [unclear]*
[unclear] MD
Peter Thanaslaw, M.D.
Michael [unclear]
Jay [unclear]

DATED: 4/7/2010

ENTERED AND EFFECTIVE: 4/7/2010