

**STATE OF VERMONT  
BOARD OF MEDICAL PRACTICE**

In re: Walter J. Griffiths, M.D.                    )  
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Docket No. MPC 16-0209

**STIPULATION AND CONSENT ORDER**

**CONSENT ORDER**

NOW COME Walter J. Griffiths, M.D. (Respondent) and the State of Vermont, by and through Attorney General William H. Sorrell and the undersigned, Assistant Attorney General Terry Lovelace, and stipulate as follows:

1. Walter J. Griffiths, M.D., (hereinafter "Respondent"), holds Vermont Medical License Number 042-0005283, issued on June 12, 1974, and is employed as a Family Practice physician.

2. Jurisdiction vests under the Vermont Board of Medical Practice (hereinafter "Board") by virtue of 26 V.S.A. §§ 1353, 1354, 1398, 1733-39, and 3 V.S.A. §§ 809 & 814 (c).

3. Respondent acknowledges that he voluntarily enters this Stipulation and Consent Order. He further acknowledges that he had the advice of counsel regarding the matter before the Board and advice of counsel in reviewing the 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.

4. The Medical Practice Board waives commencement of formal proceedings against Respondent provided he fully consents and complies with the terms and conditions of this Stipulation and Consent Order.

## FINDINGS OF FACT

5. The Vermont Board of Medical Practice opened this matter for investigation on March 25, 2009 based on concerns by a Pharmacist regarding Dr. Griffiths' prescribing practices. A complaint was opened alleging possible over-prescribing of a controlled substance through prescriptions written by Respondent.

6. The Board's investigation included interviews with the Respondent, the complaint and an expert review of five of Respondent's patients' charts.

7. On or about June 5, 2009, Respondent filed a response to the allegations contained in the complaint. In his answer, Respondent asserts that he has adopted the five recommendations outlined in the Board's case closure letter<sup>1</sup> (See Exhibit #1) dated July 5, 2006.

8. The State asserts that Dr. Griffiths engaged in unprofessional conduct in regard to the prescription of opiate analgesics. The State asserts that Respondent has, in some instances, over-prescribed opiate medication and failed to adequately document symptoms and treatment outcomes of patients for whom opiate medications were prescribed.

9. Respondent has not previously been the subject of disciplinary action in the State of Vermont or elsewhere with regard to his license to practice medicine. Respondent has cooperated fully with the Board's investigation, produced copies of relevant patient records in his possession, and provided responses regarding his care of patients and description of prescription practices.

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<sup>1</sup> Vermont Board of Medical Practice cases MPC 71-0405 and MPC 54-0306, closed July 5, 2009 by "Special Letter" and without disciplinary action by the Board.

## CONCLUSIONS OF LAW

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

## CONSENT

11. Respondent acknowledges that without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with 26 V.S.A. §§ 1357, 1360, 1361, 1398.

12. Respondent acknowledges that he has the following rights, among others: the right to a formal hearing before the Vermont Board of Medical Practice, the right to reasonable notice of the hearing date, time and place, the right to be represented by counsel at his own expense, the right to subpoena witnesses and compel their testimony, and the right to cross-examine witnesses against him.

13. Respondent waives all rights to a hearing, consents to an entry of this Order relative to his practice of medicine in the State of Vermont, and understands that this Order is considered public information and that matters contained herein shall be reported, as required by law, to the National Practitioner Data Bank and the Federation of State Medical Boards; See 26 V.S.A. § 1368.

## ORDER

14. On the basis of the foregoing Findings of Fact and Conclusions of Law of the Vermont Board of Medical Practice, and on the consent of Respondent, it is hereby **ORDERED** that:

- (a) Respondent shall retain the services of a "practice monitor," of his choosing with the committee or board approval, who shall report to the committee on a quarterly basis. The practice monitor shall review patient care and a selection of patient charts for whom opiate medications have been prescribed and report that Respondent is prescribing within acceptable professional standards and prevailing practices. Respondent shall be solely responsible for all costs associated with the practice monitor.
- (b) Respondent shall successfully complete two classes at Case Western within one year of the entry of the Stipulation. The classes require the committee's preapproval and must address (1) Practice Management; and (2) Best practices for Opiate Maintenance Treatment. Respondent shall be responsible for all costs associated with the classes. Respondent may propose to complete his coursework elsewhere subject to preapproval by the committee.
- (c) Respondent shall accept a public reprimand.
- (d) Respondent shall give his assurance to the board that he will comply with the Board *Policy for the Use of Controlled Substances for the Treatment of Pain*.
- (e) Respondent shall dispense no medication from his office or any other location. Respondent shall not be restricted from providing immunizations or the prescription and administration of medications.

(f) Respondent shall entirely cease any medication enhanced "diet practice" at his office or at any other location.

15. Respondent, by this Order is publicly **REPRIMANDED** by the Vermont Board of Medical Practice for the conduct set forth above.

16. Respondent's license to practice medicine in the State of Vermont shall be designated as **CONDITIONED** for thirty-six months or until such time as Respondent can demonstrate to the Board's satisfaction, full compliance with the conditions in Paragraph #14 above. Respondent's Vermont license to practice medicine shall be and remain designated as "Conditioned" until such time as the Board of Medical Practice has removed all terms and conditions upon his medical license.

17. Respondent agrees that he shall provide a complete copy of this Stipulation and Consent Order to any employer and supervisor for whom he works or to any prospective employer, 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.

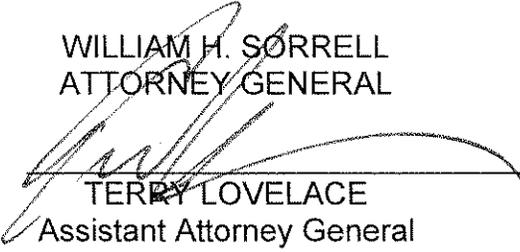
18. This Stipulation and Consent Order is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until presented to and approved by the Board. If the Board rejects any part of this Stipulation and Consent Order, the entire agreement shall be considered void.

Dated at Montpelier, Vermont, this 20, day of August, 2010.

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

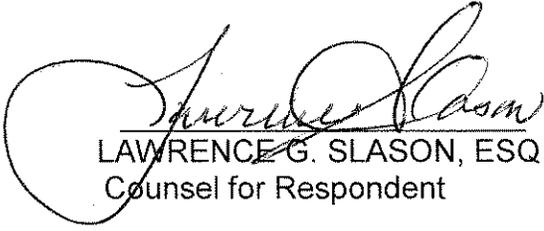
By:

  
TERRY LOVELACE  
Assistant Attorney General

Dated at Bellows Falls, Vermont, this 17<sup>th</sup>, day of August, 2010.

  
WALTER J. GRIFFITHS, M.D.  
Respondent

Dated at Bellows Falls, Vermont, this 18<sup>th</sup>, day of August, 2010.

  
LAWRENCE G. SLASON, ESQ.  
Counsel for Respondent

AS TO WALTER J. GRIFFITHS, M.D.  
APPROVED AND ORDERED  
VERMONT BOARD OF MEDICAL PRACTICE

Walter J. Griffiths MD  
John H. ... MD  
Robert L. ... MD  
Michael ... MD  
David ...  
W. J. ...  
Margaret Fink Martin

D. ...  
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Dated: 09/01/10  
Entered + Effective: 9/1/10

