

BOARD OF MEDICAL PRACTICE

In re: Philip Patrick Trabulsy, M.D.)
) Docket Nos. MPS 161-1214 &
) MPS 151-1214

STIPULATION AND CONSENT ORDER

NOW COME Philip Patrick Trabulsy, M.D., and the State of Vermont, by and through Vermont Attorney General William H. Sorrell, and hereby stipulate and agree to the following in the above-captioned matters:

1. Philip Patrick Trabulsy, M.D. (“Respondent”) holds Vermont medical license number 042.000927 originally issued by the Vermont Board of Medical Practice on April 30, 1996.
2. Jurisdiction in this matter rests with the Vermont Board of Medical Practice (“the Board”), pursuant to 26 V.S.A. §§ 1353-1357, 3 V.S.A. §§ 809-814, and other authority.

FINDINGS OF FACT

3. The Board opened Docket No. MPS 161-1214 in December of 2014 upon receipt of information concerning Respondent. The matter was assigned to the South Investigative Committee of the Board (“the Committee”).
4. The Board opened Docket No. MPS 151-1214 in December of 2014 as a result of Respondent self-reporting to the Board that he was cited for driving under the influence (“DUI”). This matter was also assigned to the South Investigative Committee of the Board.

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5. With regard to Docket No. MPS 161-1214, Respondent wrote two prescriptions for Adderall in another person's name for his own use. The first prescription was for thirty 20 mg tablets of Adderall, and was dated January 29, 2015. The second prescription was for thirty 20 mg tablets of Adderall, and was dated February 3, 2015. Respondent did in fact fill the first prescription, and attempted to fill the second prescription. Adderall is a Schedule II controlled substance and regulated drug in the State of Vermont
6. Respondent voluntarily entered into a Cessation of Practice Agreement, which was approved by the Board on March 4, 2015. On February 19, 2015, Respondent voluntarily surrendered his controlled substances privileges with the Drug Enforcement Administration ("DEA") for a period of one year.
7. On or about March 4, 2015, Respondent voluntarily admitted himself to an inpatient treatment facility for drug and alcohol addiction. Respondent was discharged from that facility on April 28, 2015, and he provided the Committee with authorization to review the records of his treatment there.
8. With regard to MPS 151-1214, on December 3, 2014, Respondent self-reported a DUI citation to the Board. Respondent admitted that, on November 16, 2014, he consumed alcohol, operated a motor vehicle, and was pulled over and cited by the police for speeding and driving under the influence.
9. On December 1, 2015, Respondent signed a monitoring agreement with the Vermont Practitioner Health Program ("VPHP"). He has been closely monitored by VPHP since December 1, 2015.

CONCLUSIONS OF LAW

10. It is unprofessional conduct for a licensee to prescribe or order any drug legally classified as a controlled substances for the licensee's own use. 26 V.S.A. § 1354(a)(37).
11. It is unacceptable medical practice for a licensee to improperly prescribe controlled substances. Such conduct may constitute unacceptable patient care and the failure to conform to the essential standards of acceptable and prevailing practice in violation of 26 V.S.A. § 1354(a)(37).
12. It is unprofessional conduct for a licensee to engage in conduct which evidences unfitness to practice medicine. 26 V.S.A. §1354(a)(7).
13. Respondent acknowledges that it is the Board's position that if the State were to file charges against him it could satisfy its burden at a hearing and a finding adverse to him could be entered by the Board, pursuant to 26 V.S.A. § 1354(b)(2).
14. Respondent agrees that the Board may enter as its facts and/or conclusions paragraphs 1 through 9 above, and further agrees that this is an adequate basis for the Board actions set forth herein. Any representation by Respondent herein is made solely for the purposes set forth in this agreement.
15. Therefore, in the interest of Respondent's desire to fully and finally resolve the matter presently before the Board, he has determined that he shall enter into the instant agreement with the Board. Respondent enters no further admission here, but to resolve this matter without further time, expense and uncertainty; he has concluded that this agreement is acceptable and in the best interest of the parties.

16. Respondent acknowledges that he is knowingly and voluntarily entering into this Stipulation and Consent Order with the Board. He acknowledges and agrees that he has had the advice of counsel regarding this matter and in the review of this Stipulation and Consent Order. Respondent is fully satisfied with the legal representation he has received in this matter.
17. Respondent agrees and understands that by executing this document he is waiving any right to challenge the jurisdiction and continuing jurisdiction of the Board in this matter, to be presented with a specification of charges and evidence, to cross-examine witnesses, and to offer evidence of his own to contest any allegations by the State.
18. The parties agree that upon their execution of this Stipulation and Consent Order, and pursuant to the terms herein, the above-captioned matters shall be administratively closed by the Board. Thereafter, the Board will take no further action as to these matters absent non-compliance with the terms and conditions of this document by Respondent.
19. This Stipulation and Consent Order is conditioned upon its acceptance by the Vermont Board of Medical Practice. If the Board rejects any part of this document, the entire agreement shall be considered void. Respondent agrees that if the Board does not accept this agreement in its current form, he shall not assert in any subsequent proceeding any claim of prejudice from any such prior consideration. If the Board rejects any part of this agreement, none of its terms shall bind Respondent or constitute an admission of any of the facts of the alleged misconduct, it shall not be used against Respondent in any way, it shall be kept in

strict confidence, and it shall be without prejudice to any future disciplinary proceeding and the Board's final determination of any charge against Respondent.

20. Respondent acknowledges and understands that this Stipulation and Consent Order shall be a matter of public record, shall be entered in his permanent Board file, shall constitute an enforceable legal agreement, and may and shall be reported to other licensing authorities, including but not limited to: the Federation of State Medical Boards Board Action Databank, the National Practitioner Data Bank, and the Healthcare Integrity and Protection Data Bank. In exchange for the actions by the Board, as set forth herein, Respondent expressly agrees to be bound by all terms and conditions of this Stipulation and Consent Order.
21. The parties therefore jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board, it may enter an order implementing the terms and conditions herein.

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ORDER

WHEREFORE, based on the foregoing, and the consent of Respondent, it is hereby ORDERED that:

- a. Respondent shall be reprimanded for the conduct set forth above.
- b. Respondent shall participate fully and in good faith in care, treatment and monitoring under the auspices of the Vermont Practitioner Health Program (“VPH”) for a period of five (5) years from the date that this Stipulation and Agreement is approved by the Board. Respondent expressly agrees that he shall abide fully and in good faith with all provisions of his VPH contract. Respondent shall not cease, terminate or interrupt his participation in VPH without the advance written approval of the Committee or Board, following presentation of a written petition from him in this regard. Respondent and VPH may agree to modifications of the provisions of his VPH contract without Board approval, with the exception of the length of time of the contract, which shall not be less than five (5) years. Respondent agrees that he shall take reasonable steps to ensure that the Board and/or Committee may obtain on written request to VPH, copies of all written reports, information or assessments related to his participation in VPH with regard to his care, treatment, medical history, diagnosis, test results, or other matters. Respondent expressly agrees that VPH may directly disclose such information to the Committee and/or the Board upon receipt of a written request so as to enable the Committee and/or Board to verify the accuracy and completeness of such reports. Respondent further agrees to promptly execute any and all waivers

and/or releases that may be required for VPHP to provide such reports and documentation to the Committee and/or Board.

- c. Respondent shall not serve as a primary or secondary supervisor for any physician assistant for a period of three (3) years from the date that this Stipulation and Agreement is approved by the Board.
- d. Respondent shall only receive prescriptions for controlled substances from his primary care physician or other provider(s) with whom he has a documented physician-patient relationship.
- e. Respondent shall follow the recommendations of the inpatient treatment facility with regard to the number of hours that he can work when he returns to the practice of medicine. Specifically, when Respondent returns to the practice of medicine, Respondent shall return to part-time work, working a maximum of twenty (20) hours per week total for clinical and administrative responsibilities for the first two (2) weeks of his return to work. After Respondent has worked twenty (20) hours per week for the initial two (2) weeks, he shall work no more than forty-five (45) hours per week total for clinical and administrative responsibilities.
- f. Respondent shall pay an administrative penalty of three thousand dollars (\$3,000.00) consistent with 26 V.S.A. § 1361(b). Payment shall be made to the "State of Vermont Board of Medical Practice," and shall be sent to the Vermont Attorney General's Office at the following address: Kassandra P. Diederich, Assistant Attorney General, Office of the Attorney General, 109 State Street,

Montpelier, VT 05609-1001. The payment shall be due no later one (1) year after Respondent returns to the practice of medicine.

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SIGNATURES

DATED at Montpelier, Vermont, this 21st day of September, 2015.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: Kassandra P. Diederich
Kassandra P. Diederich
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

2015. DATED at Burlington, Vermont, this 23 day of September.

Philip Patrick Trabulsy, M.D.
Philip Patrick Trabulsy, M.D.
Respondent

Approved as to form:

2015. DATED at BURLINGTON, Vermont, this 23 day of SEPTEMBER.

Ritchie E. Berger, Esq.
Ritchie E. Berger, Esq. *for*
Dinse, Knapp & McAndrew, P.C.
209 Battery Street
P.O. Box 988
Burlington, VT 05402
Counsel for Respondent

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109 State Street
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AS TO PHILIP PATRICK TRABULSY M.D.

APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

For me

John M. [unclear]

[unclear]

Brewster

[unclear]

[unclear]

[unclear]

[unclear]

[unclear]

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Dated: October 7th, 2015

ENTERED AND EFFECTIVE: October 7th, 2015

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