

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: Robert L. Venman, M.D.

)
) Docket No. MPN 35-0309
)

STIPULATION AND CONSENT ORDER

NOW COME Robert L. Venman, M.D. and the State of Vermont, by and through Attorney General William H. Sorrell and the undersigned Assistant Attorney General, Jacob A. Humbert, and agree and stipulate as follows:

1. Robert L. Venman, M.D. ("Respondent") of Middlebury, Vermont holds medical license number 042-0004801 issued by the Vermont Board of Medical Practice on October 11, 1972. Respondent is a general practice physician with a private practice medical office in Middlebury, Vermont.
2. Jurisdiction in these matters vests with the Vermont Board of Medical Practice ("Board") pursuant to 26 V.S.A. §§ 1353-1357, 3 V.S.A. §§ 809-814 and other authority.
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 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

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GENERAL
Montpelier,
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to offer evidence of his own to contest the State's charges. 26 V.S.A. § 1356; 3 V.S.A. §§ 809, 814.

I. Factual Findings

4. On or about April 3, 2009, the Board opened Docket No. MPN 35-0309 for investigation regarding a complaint that Respondent prescribed, dispensed or administered controlled substances in an excessive or improper manner.

5. The Board's investigation included a review of patient records and other documentation supplied to the Board, as well as an interview of the Respondent.

6. Respondent's patient records reviewed were often difficult or impossible to understand, with a significant amount of handwritten notes, and providing incomplete or superficial information related to patient care, particularly lacking specific and detailed bases for decisions related to his prescribing, dispensing or administering of controlled substances.

7. No specification of charges has been filed by the State in this matter. Respondent has cooperated with the Board during its investigation.

II. Conclusions of Law

8. The Board may find "that failure to practice competently by reason of any cause on a single occasion or on multiple occasions constitutes unprofessional conduct." 26 V.S.A. § 1354(b). And "[f]ailure to practice competently includes, as determined by the board. . . (2) failure to conform to the essential standards of acceptable and prevailing practice." *Id.* § 1354(b)(2)

9. A failure to keep accurate and complete medical records does not conform to the essential standards of acceptable and prevailing practice. *See, e.g., Vermont Board of Medical Practice, Policy for Use of Controlled Substances for the Treatment of Pain, dated December 7, 2005, and amended January 4, 2006, at 3* (“The physician should keep accurate and complete records to include: 1. medical history and physician examination, 2. diagnostic, therapeutic and laboratory results, 3. evaluations and consultations, 4. treatment objectives, 5. discussion of risks and benefits, 6. informed consent, 7. treatments, 8. medications [], 9. instructions and agreements, and 10. periodic reviews. Records should remain current and be maintained in an accessible manner and readily available for review.”).

10. 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(b)(2). In the interest of resolving this matter expeditiously and providing remedial steps to correct issues raised by the allegations, Respondent agrees to enter this Stipulation and Consent Order, in lieu of the State filing formal charges.

III. Order

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law, and on the basis of the consent of Respondent, it is hereby ORDERED that:

11. Respondent shall attend and successfully complete two Continuing Medical Education classes as follows: (1) the School of Medicine of Case Western University Intensive Course in Medical Recordkeeping, or an equivalent course approved in advance by the Board's North Investigatory Committee; and (2) the School of Medicine of Case Western University Intensive Course in Controlled Substance Management, or an equivalent course approved in advance by the Board's North Investigatory Committee. Respondent shall complete these classes within seven (7) months of the Board's approval of this Stipulation and Consent Order. Respondent shall provide proof of attendance and completion of the courses to the Board.

12. Respondent shall secure the services of a professional practice monitor physician, approved by the Board's North Investigatory Committee, to review Respondent's medical charts and provide professional guidance for a period of no less than two years. Respondent shall sign any and all necessary consents and/or waivers of confidentiality to allow a Board investigator or an Assistant Attorney General to speak with his monitor. Respondent shall also ensure that his monitor submits quarterly reports to the Board's North Investigatory Committee detailing both Respondent's compliance with the terms and conditions of this Stipulation and Consent Order and Respondent's practice activities generally, including his prescribing, dispensing or administering of controlled substances.

13. Respondent shall generate all patient records content in a written (typed) form, whether manually or as electronic medical records.

14. Respondent shall require that each patient prescribed controlled substances, as part of long-term pain management with an actual or anticipated duration of thirty (30) days or more, will execute a written (typed) narcotics contract in a form acceptable to the Board's North Investigatory Committee. Respondent shall also maintain, for each such patient, written (typed) narcotic flow sheets to document medications (including date, type, dosage and quantity prescribed). Respondent shall maintain both types of documents in a readily accessible section of the patient's medical record.

15. Respondent shall bear all costs of complying with the terms and conditions of this Stipulation and Consent Order.

16. Respondent's license to practice medicine in the State of Vermont shall be designated as **CONDITIONED** until such time as Respondent can demonstrate, to the Board's satisfaction, full compliance with the conditions in Paragraphs 11-14 above. Respondent's Vermont license to practice medicine shall be and remain designated as "conditioned" until such time as the Board has removed all terms and conditions upon his medical license. Respondent acknowledges that it is his obligation to petition the Board to close this matter after demonstrating full compliance with Paragraphs 11-14 above. Respondent may petition the Board for release from the terms and conditions of this Stipulation and Consent Order no earlier than two years from the date of the Board's approval and order.

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 Stipulation and Consent Order remains in effect.

18. 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.

19. This Stipulation and Consent Order is subject to review and acceptance by the Board 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 null and void. However, should the terms and conditions of this Stipulation and Consent Order be deemed acceptable to the Board, the parties request that the Board enter an order conditioning Respondent's medical license as set forth above and that such certificate be subject to each of the terms and conditions as set forth herein.

20. 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 and conditions of this Stipulation and Consent Order shall constitute unprofessional conduct under 26 V.S.A. § 1354(a)(25) and may subject Respondent to disciplinary action as the Board may deem appropriate.

DATED at Montpelier, Vermont this 23RD day of November 2010.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

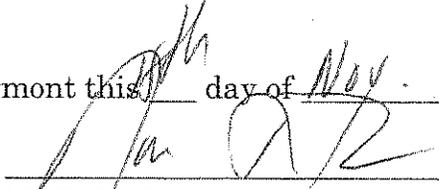
By:


JACOB A. HUMBERT
Assistant Attorney General

DATED at Burlington, Vermont this 11/18/10 day of November 2010.


ROBERT L. VENMAN, M.D.
Respondent

DATED at Burlington, Vermont this 11/18 day of Nov. 2010.


NORMAN R. BLAIS, ESQ.
Counsel for Respondent

AS TO ROBERT L. VENMAN, M.D.:
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

Lawrence Young
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Janice M. Gallant, M.D.

Peter Tomaslaw, MD
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DATED: 12/1/2010

ENTERED AND EFFECTIVE: 12/1/2010