



6. The psychiatrist then informed Respondent that Patient A was already purchasing buprenorphine “on the street” and had become opiate/Suboxone dependent. Respondent then decided to prescribe Patient A Suboxone, hoping to initiate a controlled withdrawal from the drug.
7. Respondent did not order a urine analysis (“UA test”) for Patient A to verify her claimed buprenorphine use, instead relying on the word of Patient A and the psychiatrist.
8. Starting in November 2009, Respondent prescribed Patient A 6 mg a day of Suboxone with the plan to taper off the drug in six months.
9. In April 2010, Patient A was injured in a fall and prescribed oxycodone for her pain on discharge from a local hospital. Patient A advised Respondent that she did not want to take the opiate analgesics she had been prescribed on discharge. Respondent prescribed Suboxone for 3 mg daily. Respondent was advised by a pharmacy that Patient A attempted to fill both the Suboxone prescription and the oxycodone prescription, and in response, Respondent terminated her relationship with Patient A.
10. The investigation further revealed that Respondent’s practice was treating three family members for opiate dependence. A mother (“Patient B”), a son (“Patient C”) and the son’s fiancé (“Patient D”) all began treatment in June 2010.
11. In December 2010, Patient B advised that she was now living with Patient C and Patient D.
12. In March 2011, Patient C and Patient D relapsed with cocaine use. Respondent knew these three patients to “use and abuse together” having been advised by Patient D that “when one person in the house uses everyone ends up using.”

13. In attempting to determine whether Patient B might have also relapsed, Respondent disclosed the fact that Patient C had relapsed. Patient B denied knowing that her son had relapsed and denied using cocaine, but soon after tested positive for cocaine use.
14. By disclosing Patient C's relapse to Patient B, Respondent disclosed protected health information without a waiver or authorization to do so.
15. Respondent appeared with counsel before the Committee on May 16, 2012 and has fully cooperated with this investigation.
16. This Stipulation and Consent Order is in full satisfaction and settlement of all charges arising from "conduct which evidences unfitness to practice medicine."

***Conclusions of Law***

17. Vermont law provides that "failure to practice competently by reason of any cause on a single occasion or multiple occasions constitutes unprofessional conduct." 26 V.S.A. § 1354(b). Further, Vermont law defines "failure to practice competently" as including "performance of unsafe or unacceptable patient care" or "failure to conform to the essential standards of acceptable and prevailing practice."
18. Respondent acknowledges that it is the Board's contention that Respondent has committed unprofessional conduct by: (1) her failure to order a UA test for Patient A to verify that patient's claimed buprenorphine use and instead relying on the word of Patient A and her psychiatrist; and (2) by disclosing protected health information without a waiver or authorization. She further acknowledges that it is the Board's belief that it could satisfy its burden at a hearing and a finding adverse to her could be entered by the Board, pursuant to 26 V.S.A. § 1354(b). Respondent admits to the violation relating to her disclosure of protected health information without a waiver or

authorization, but does not admit to any other violation of 26 V.S.A. § 1354(b), however, in the interest of Respondent's desire to fully and finally resolve the matter presently before the Board, she has determined that she shall enter into the instant agreement with the Board.

19. Consistent with her cooperation in this matter, Respondent admits all facts set forth in paragraphs 1 through 16, above, and agrees that the Board may enter as its facts and/or conclusions paragraphs 1 through 18 and further agrees that this is an adequate basis for this Stipulation and Consent Order. Any representation by Respondent herein is made solely for the purposes set forth in this agreement.
20. Respondent acknowledges that she is knowingly and voluntarily agreeing to this Stipulation and Consent Order. She acknowledges that she has had advice of counsel regarding this matter and in the review of this Stipulation and Consent Order. Respondent is fully satisfied with the legal representation she has received in this matter.
21. Respondent agrees and understands that by executing this document she 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 her own to contest any allegations by the State.
22. The parties agree that upon their execution of this Stipulation and Consent Order, and pursuant to the terms herein, the above-captioned matter shall be administratively closed by the Board. Thereafter, the Board will take no further action as to this matter absent non-compliance with the terms and conditions of this document by Respondent.

23. 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, she 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.
24. Respondent acknowledges and understands that this Stipulation and Consent Order shall be a matter of public record, shall be entered in her 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.
25. The parties therefore jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Vermont Board of Medical Practice, the Board may enter an order implementing the terms and conditions herein.

## 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 retain the services of a "practice monitor," of her choosing, subject to preapproval by the Committee or Board. The practice monitor shall review patient care and a selection of the charts of patients for whom opiate medications have been prescribed, and determine whether Respondent's prescribing practices have conformed to the essential standards of acceptable and prevailing practice. The practice monitor shall randomly select the patient charts that he or she reviews. Respondent shall be solely responsible for all costs associated with the practice monitor. The practice monitor shall report his or her findings to the South Investigative Committee on a quarterly basis for a period of two years from the date that this Stipulation is approved by the Board. Respondent shall be responsible for ensuring that the practice monitor's reports are promptly sent to the South Investigative Committee.
- c. Respondent shall attend and successfully complete two continuing medical education ("CME") classes. Both classes shall be successfully completed within one year from the date that this Stipulation is approved by the Board. The subject of one CME class shall be prescribing practices, while the other shall be focused on patient privacy, disclosures, privacy/security of protected health information,

and/or HIPAA ("Health Insurance Portability and Accountability Act"). The CMEs that Respondent proposes to attend should be approved in advance by the Board. Respondent shall provide written proof of attendance after the CME classes are complete.

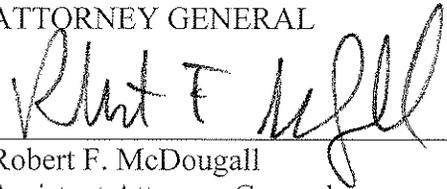
**SIGNATURES**

DATED at Montpelier, Vermont, this 30<sup>th</sup> day of November, 2012.

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

By:

  
Robert F. McDougall  
Assistant Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, VT 05609

DATED at \_\_\_\_\_, Vermont, this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Claudia E. Lee, M.D.

Respondent

DATED at \_\_\_\_\_, Vermont, this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Peter B. Joslin, Esq.  
Theriault & Joslin

and/or HIPAA ("Health Insurance Portability and Accountability Act"). The CMEs that Respondent proposes to attend should be approved in advance by the Board. Respondent shall provide written proof of attendance after the CME classes are complete.

**SIGNATURES**

DATED at Montpelier, Vermont, this \_\_\_\_ day of \_\_\_\_\_, 2012.

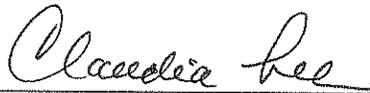
STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

By: \_\_\_\_\_

Robert F. McDougall  
Assistant Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, VT 05609

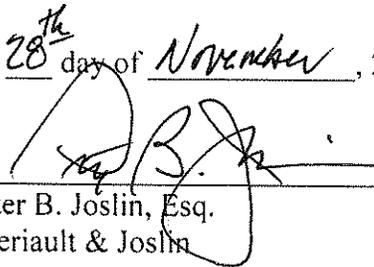
DATED at Montpelier, Vermont, this 28 day of November, 2012.



\_\_\_\_\_  
Claudia E. Lee, M.D.

Respondent

DATED at Montpelier, Vermont, this 28<sup>th</sup> day of November, 2012.



\_\_\_\_\_  
Peter B. Joslin, Esq.  
Theriault & Joslin

141 Main Street, Suite 4  
Montpelier, VT 05602

Counsel for Respondent

Office of the  
ATTORNEY  
GENERAL  
109 State Street  
Montpelier, VT  
05609

AS TO CLAUDIA E. LEE, M.D.

APPROVED AND ORDERED  
VERMONT BOARD OF MEDICAL PRACTICE

<u>William J. Mc</u>	<u>Paul A. [unclear]</u>
<u>James Gallant, M.D.</u>	<u>[unclear]</u>
<u>[unclear]</u>	<u>Carol Diamond</u>
<u>Wm. H. [unclear]</u>	<u>_____</u>
<u>Patricia A. King, M.D.</u>	<u>_____</u>
<u>[unclear]</u>	<u>_____</u>
<u>Peter [unclear], M.D.</u>	<u>_____</u>

DATED: December 5, 2012

ENTERED AND EFFECTIVE: December 5, 2012

Office of the  
ATTORNEY  
GENERAL  
109 State Street  
Montpelier, VT  
05609