

4. The Medical Practice Board waives commencement of formal proceedings against Respondent provided he fully consent and comply 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 February 28, 2011 based on information provided to a board investigator by a law enforcement officer in Barre, Vermont. A complaint was opened alleging that Respondent failed to disclose a federal investigation and his successful completion of an eighteen month court-alternative diversion program.

6. The Board's investigation included interviews with the Respondent, the United States Attorney's office in New Hampshire, U.S. Postal Inspectors and Sally Gerhart, M.D. of the New Hampshire Professionals Health Program.

7. On October 3, 2008 and again on September 24, 2010, Respondent signed and filed a license renewal forms for the renewal of his medical license in Vermont. Two application questions, #26 and #28, require affirmative answers to the questions "Are you currently or have you ever been a defendant in a criminal proceeding" and "To your knowledge are you presently the subject of a criminal investigation under which you have not been charged?" Respondent answered "no" to questions #26 and #28, See attached Exhibit #1.

8. The State asserts that Respondent had the duty to disclose these events on his Vermont license applications. Part V of the license application states "I hereby affirm that the information provided above is true and accurate, and that I have answered the questions to the best of my knowledge and ability."

9. Respondent has not previously been the subject of disciplinary action in the State of Vermont. On October 26, 2009 Respondent successfully completed eighteen months of a contract with New Hampshire's Professionals Health Program and was released from that program on October 26, 2009.

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CONCLUSIONS OF LAW

10. It is unacceptable medical practice and unprofessional conduct for a licensee to improperly obtain a license renewal through fraud or deception, See 26 V.S.A. § 1354 (a)(1). By submitting signed renewal applications in 2008 and again in 2010, Respondent deceived the Medical Practice Board by failing to disclose the investigation, diversion and probation following the December 28, 2007 event that led to his plea agreement and diversion with the United State's Attorney Office in New Hampshire.

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 does not contest the facts as stated in paragraphs #6 through #9 above and consents to the entry of same.

13. Respondent agrees that if the State of Vermont were to pursue its Specification of Charges in this matter and satisfy its evidentiary burden at hearing, the Board could enter a finding adverse to him in light of the facts in paragraphs #6 through #9 above. Rather than expend the time and costs of a contested hearing, Respondent prefers to fully settle this matter by stipulation and order.

14. 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.

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15. 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

16. On the basis of the foregoing Findings of Fact and Conclusions of Law of the Vermont Board of Medical Practice, and with the full and informed consent of Respondent, it is hereby **ORDERED** that Respondent shall (1) accept a PUBLIC REPRIMANDED by the Vermont Board of Medical Practice for the conduct set forth above, and (2) remain a law abiding citizen in all aspects of his professional and private life. Failure to meet the stated condition in paragraph #2 may result in an action against Respondent's Vermont Medical license by the board.

17. Respondent's license to practice medicine in the State of Vermont shall be designated as **CONDITIONED** for sixty months or until such time as Respondent can demonstrate to the Board's satisfaction, full compliance with the conditions in Paragraph #16 above. Respondent may petition the board for early relief from conditions any time after the passage of thirty-six months from the date of entry of this Stipulation. 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.

18. 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.

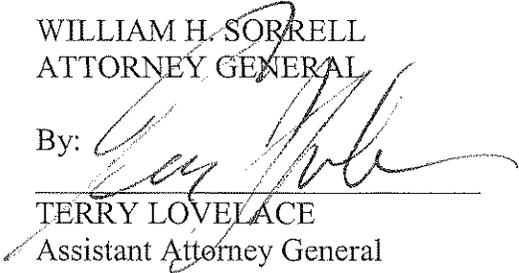
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19. This Stipulation and Consent Order is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until presented to and approved by the Board. If the Board rejects any part of this Stipulation and Consent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

Dated Montpelier Vermont, this 28, day of April, 2011.

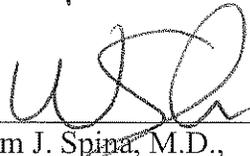
STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

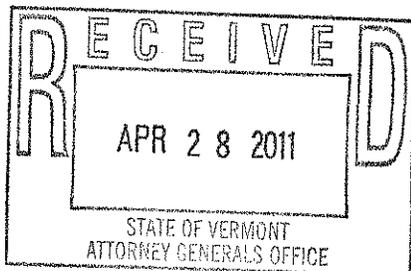
By: 

TERRY LOVELACE
Assistant Attorney General

Dated at Guildhall, Vermont, this 20th, day of April, 2011.

By: 

William J. Spina, M.D.,
Respondent



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In re: William J. Spina, M.D.
Docket No. MPC 21-0211

AS TO WILLIAM J. SPINA, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

Detwiler A. King MD PhD

James E. Ryan R674

B. D. [Signature]

[Signature]

Margaret Funk Martin

Eileen M. [Signature]

[Signature]

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