

**STATE OF VERMONT  
BOARD OF MEDICAL PRACTICE**

In re: Pierre A. Delfausse, PA-C

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Docket No. MPN 60-0609

**STIPULATION AND CONSENT ORDER**

NOW COME the State of Vermont, by and through Attorney General William H. Sorrell and the undersigned, Assistant Attorney General, Kurt A. Kuehl, and Pierre A. Delfausse, PA-C and stipulate and agree as follows:

1. Pierre A. Delfausse, PA-C (“Respondent”) holds certification from the National Commission on Certification of Physicians Assistants (No. 1055070), with his initial certification granted on or about December 20, 2002.

2. Respondent holds Vermont certification as a physician assistant (PA-C), No. 055-0031014. This certification is currently inactive per the request of Respondent.

3. Jurisdiction in these matters vests with the Vermont Board of Medical Practice (“Board”), pursuant to 26 V.S.A. §§ 1353-61, 1733-39, 3 V.S.A. §§ 809-814, and other authority.

**I. Findings of fact**

4. On December 2, 2009, the Board entered a Stipulation and Consent Order (“Order”) in the matter of In re: Pierre A. Delfausse, PA-C, docket number 60-0609.

5. Respondent entered into a Monitoring Contract with the VPHP that became effective on November 23, 2009 and was scheduled to terminate

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on November 23, 2014. The Board approved the Monitoring Contract as satisfying the care and treatment requirement of the Order.

6. The Order provides, in part, for a stayed twelve-month suspension of Respondent's Vermont physician assistant certification that shall be imposed if Respondent fails to maintain compliance with the Order. See Order at ¶ 15(B).

7. The Order further provides that that Respondent shall abide fully and in good faith with all provisions of his VPHP contract. See Order at ¶ 22.

8. Respondent's VPHP contract prohibits him from ingesting alcohol and provides that his failure to abide by any of the terms and conditions of his VPHP contract, including but not limited to a relapse, shall constitute a breach of the contract. See VPHP Contract at ¶ VII and XVII(4).

9. In March 2011, Respondent relapsed to the use of alcohol and was referred to inpatient treatment by the VPHP. Respondent was discharged from inpatient treatment in June 2011.

10. On June 22, 2011, the VPHP notified the Board that it had extended the term of Respondent's Monitoring Contract until June 10, 2016.

11. Respondent has cooperated with the Board in connection with matters related to the Board's enforcement of the Order.

## II. Conclusions of law

12. Respondent's relapse to the use of alcohol constitutes a violation of the Order and his VPHP contract and requires the imposition of the stayed

twelve-month suspension of Respondent's Vermont physician assistant certification.

13. Respondent agrees that the Board may enter as its facts and/or conclusions in this matter Paragraphs 1 through 11, 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.

14. 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.

15. Respondent acknowledges that he is knowingly and voluntarily agreeing to this Stipulation and Consent Order. He acknowledges that he has had the advice of counsel regarding this matter and in reviewing this Stipulation and Consent Order. Respondent is fully satisfied with the legal representation he has received in this matter.

16. 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.

17. The Board and Respondent 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 and except as otherwise provided herein.

18. 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.

19. 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.

20. 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 Vermont Board of Medical Practice, the Board may enter an order implementing the terms and conditions herein.

### **III. Order**

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

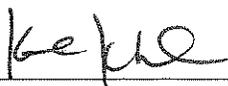
a. Respondent's Vermont physician's assistant license certification shall be suspended for at least twelve months commencing on June 1, 2011. Any period of actual suspension shall terminate only upon written Board approval of a petition from Respondent so requesting.

b. The terms and conditions of this Stipulation and Consent Order, entered on December 2, 2009 in Vermont Board of Medical Practice docket number MPN 60-0609 shall remain in full force and effect, except for Paragraph 15(B) which is satisfied by the entry of this Stipulation and Consent Order.

Dated at Montpelier, Vermont, this 2nd day of March, 2012.

STATE OF VERMONT

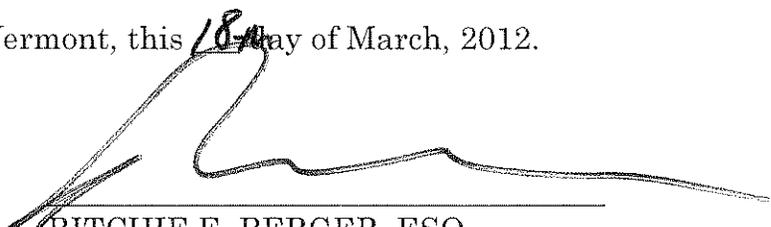
WILLIAM H. SORRELL  
ATTORNEY GENERAL

by:   
KURT A. KUEHL  
Assistant Attorney General

Dated at Burlington, Vermont, this 9 day of March, 2012.

  
PIERRE A. DELFAUSSE, PA-C  
Respondent

Dated at Burlington, Vermont, this 18~~th~~ day of March, 2012.

  
RITCHIE E. BERGER, ESQ.  
Counsel for Respondent

AS TO PIERRE A. DELFAUSSE PA-C  
APPROVED AND ORDERED  
VERMONT BOARD OF MEDICAL PRACTICE

W. HAZ

W. HAZ

Peep Paradaw, M.D.

Janice Gullaut MD

David A. ...

Robert Weber

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DATED: April 4, 2012

ENTERED AND EFFECTIVE: April 4, 2012