

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In re: Beatrice Anne Johnson, M.D.

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Docket No. MPC 113-0413

STIPULATION AND CONSENT ORDER

NOW COME Beatrice Anne Johnson, 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 matter:

1. Beatrice Anne Johnson, M.D. (“Respondent”) holds Vermont medical license number 042-0012067, originally issued on September 15, 2010. Respondent practiced as a physician with Northeast Kingdom Human Services until October 12, 2012.
2. Jurisdiction in these matters vests 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 the above-captioned matter in April 2013 based upon notice from Northeast Kingdom Human Services, pursuant to 26 V.S.A. § 1317(a), that Respondent had resigned in lieu of termination due to Respondent’s “continued failure to timely submit patient documentation.”
4. Respondent cooperated fully with the Board’s investigation, inter alia, providing a written response concerning her practice and submission of a Business Plan.
5. The Board’s investigation found that in the course of Respondent’s practice, she did not practice competently by failing to conform to the essential standards of acceptable

and prevailing practice by failing to maintain medical records which adequately and timely documented patient encounters.

6. This Stipulation and Consent Order is in full satisfaction and settlement of all charges arising from the misconduct relating to the adequate and timely maintenance of medical records.

Conclusions of Law

7. 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).
8. A failure to maintain medical records which adequately and timely document patient encounters does not conform to the essential standards of acceptable and prevailing practice.
9. Consistent with Respondent’s cooperation with the Board, she does not contest that if the State were to file charges against her, 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)(2).
10. In this matter, Respondent agrees that the Board may enter as its facts and/or conclusions paragraphs 1 through 6, above, and further agrees that this is an adequate basis for the Board’s actions set forth herein. Any representation by Respondent herein is made solely for the purposes set forth in this agreement.

11. Therefore, 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. Respondent enters no further admission here, but to resolve this matter without further time, expense, and uncertainty, she has concluded that this agreement is acceptable.
12. 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.
13. 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.
14. 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.
15. 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.

16. 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.
17. 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 successfully complete the continuing medical education (CME)

course entitled “Intensive Course in Medical Record Keeping” at the Case Western Reserve University School of Medicine on November 6-7, 2014. Upon Respondent’s successful completion of the CME course, she shall provide the Committee with proof of attendance. Respondent shall also provide a brief written narrative of the CME course to the Central Committee which documents what she learned from the course and how she will apply that knowledge to her practice. Respondent shall be solely responsible for all costs associated with the CME course;

- c. Respondent shall timely and accurately document all patient encounters in her future practice;
- d. Respondent shall notify all future employers of this Stipulation and Consent Order by providing a copy of said document; and
- e. Respondent shall provide the Medical Practice Board with written updates as to her compliance with this Stipulation and Consent Order, including her status with respect to the requirements of b. and c., above, at ninety (90) and one hundred eighty (180) days after execution of this Stipulation and Consent Order.


SIGNATURES

DATED at Montpelier, Vermont, this 30th day of July, 2014.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By:



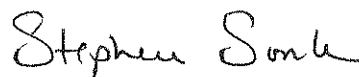
William B. Reynolds
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609

DATED at West Burke, VT, Vermont, this 23rd day of July, 2014.


Beatrice Anne Johnson, M.D.

Respondent

DATED at Burlington, Vermont, this 11th day of July, 2014.


Stephen J. Soule

Paul Frank + Collins P.C.
One Church Street
P.O. Box 1307
Burlington, VT 05402

Counsel for Respondent

AS TO BEATRICE ANNE JOHNSON, M.D.

APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

Dr. Jennifer MD

FC M Dc

Patricia A. King MD

W. J. P. A.

John Allen

Pat Hunter

D. C. Dubowick

R. J. W. M.

Margaret Susan Saward MD

Rob M. Miller

Mark M. MD

DATED: August 6th, 2014

ENTERED AND EFFECTIVE: August 6th, 2014