

PRACTICE MONITORING AGREEMENT**Vermont Board of Medical Practice****Patty A. Thornton, PA-C****Docket Nos. MPN 022-0219 & MPN 057-0519**

1. Pursuant to a Stipulation and Consent Order entered into by Patty A. Thornton, PA-C ("Ms. Thornton") and the Vermont Board of Medical Practice ("Board") in docket nos. MPN 022-0219 and MPN 057-0519, Ms. Thornton has agreed to retain a practice monitor to monitor her medical practice. The purpose of this Practice Monitoring Agreement ("Agreement") is to set forth the terms of the practice monitoring component of Ms. Thornton's Stipulation and Consent Order (attached and incorporated by reference). This Agreement will be signed by Ms. Thornton and the practice monitor approved by the North Investigative Committee ("Committee").
2. Ms. Thornton is responsible for selecting a practice monitor.
3. The practice monitor chosen by Ms. Thornton shall be a Vermont licensed physician with an unconditioned license who has experience in the areas of family medicine and prescribing opioid medication.
4. Ms. Thornton shall obtain approval from the Committee for her choice of practice monitor. Ms. Thornton shall submit in writing to the Committee the practice monitor's name, contact information, and curriculum vitae. The Committee retains discretion to approve or disapprove the choice of practice monitor for any reason. The Committee shall communicate in writing its decision to Ms. Thornton. If the proposed practice monitor is not approved, Ms. Thornton remains responsible for using the procedure outlined in paragraphs 2 through 4 of this

agreement to select and submit her choice of another proposed practice monitor for the Committee's consideration.

5. The Board shall not bear any of the costs associated with the practice monitor.

6. Ms. Thornton shall provide the practice monitor with a copy of the fully executed Stipulation and Consent Order.

7. The practice monitoring shall start within sixty (60) days of the date that the Board approves the Stipulation and Consent Order (hereinafter referred to as the "start date").

8. The practice monitor will follow all state and federal health privacy regulations and statutes, including, but not limited to, HIPAA, and will review and sign any necessary HIPAA authorizations, business associate agreements, or other required documents to enable access to, and review of, patient protected health information.

9. The practice monitor shall perform a record review every ninety (90) days of Ms. Thornton's patients with a focus upon those prescribed opioid medication. The practice monitor shall select ten (10) of Ms. Thornton's patients who receive opioid medication and review their records, unless there are fewer than ten, in which case it shall be a total of ten including patients prescribed other controlled substances.

10. The practice monitor shall review any other documents, records, files, logs, etc. that will provide the requisite information needed to prepare written monitoring reports.

11. The practice monitor shall speak with Ms. Thornton's co-workers to obtain the requisite information needed to prepare the written monitoring reports.

12. The practice monitor shall prepare a detailed, written practice monitoring report for each ninety (90) day review. The practice monitor shall meet with Ms. Thornton every ninety (90) days to discuss the findings of his/her record review. Ms. Thornton is responsible for

ensuring that there is appropriate documentation of each ninety (90) day record review and discussion. Such documentation shall include the date of each record review, and the date and length of time of each discussion between the practice monitor and Ms. Thornton regarding the findings of each chart review. This documentation shall be submitted with each ninety (90) day practice monitoring report.

13. The practice monitor shall submit each written practice monitoring report to the Committee for three (3) full years. Ms. Thornton may request relief from this condition after two (2) full years of consecutive, favorable reports. The Committee shall have sole discretion whether to grant a request for the modification of the length of practice monitoring.

14. The first report shall be submitted no later than ninety (90) days after the practice monitoring agreement is signed.

15. Ms. Thornton shall be responsible for ensuring that the following is reviewed by the practice monitor and discussed and documented in the practice monitoring reports:

- a. Documentation of each chart review performed by the practice monitor during that review period, including the findings of the chart review;
- b. Whether Ms. Thornton's prescribing practices, including the prescribing of opioid medications and/or controlled substances, meets the applicable standard of care;
- c. Whether Ms. Thornton's clinical monitoring of patients to whom she is prescribing opioid medication and/or controlled substances meets the standard of care;
- d. Whether Ms. Thornton's medical recordkeeping is in accordance with the standard of care;

- e. Whether Ms. Thornton's general medical treatment meets the applicable standard of care; and
 - f. Recommended improvements to Ms. Thornton's practice. Although the practice monitor will need to review patient charts to become familiar with patients' medical histories, the focus of the practice monitoring will be improving Ms. Thornton's practice prospectively.
16. Ms. Thornton shall be responsible for ensuring that the practice monitor's reports are timely submitted to the Committee.
17. At the end of the monitoring period, Ms. Thornton shall submit a written request to the Committee to end the requirement for monitoring. Such a request shall not be considered by the Committee until Ms. Thornton has provided favorable and timely monitoring reports for three (3) complete years, or two (2) complete years if the Committee approves Ms. Thornton's request for early relief from the monitoring requirement. The practice monitoring requirement shall not cease until the Committee has approved, in writing, Ms. Thornton's request to end the monitoring.
18. If the practice monitor can no longer monitor Ms. Thornton's practice, Ms. Thornton shall notify the Committee in writing within five (5) business days. Within thirty (30) days of providing notice to the Committee, Ms. Thornton shall submit the name of a proposed replacement practice monitor which will be subject to the approval process outlined in paragraphs two through four.
19. Upon notice to the Committee that the practice monitor can no longer serve, Ms. Thornton has sixty (60) days to obtain Committee approval for a new practice monitor. If a new practice monitor is not approved in that time, Ms. Thornton shall cease prescribing any opioid

medication or other controlled substances. Ms. Thornton shall not resume prescribing opioid medications or other controlled substances until a new practice monitor is approved by the Committee and can begin monitoring her practice. The Committee will endeavor to communicate its decision regarding the approval of a new proposed practice monitor to Ms. Thornton within thirty (30) days of her submission of the proposed monitor's name, contact information, and curriculum vitae to the Committee. If the Committee's response is delayed beyond thirty (30) days, that additional response time will not count toward the 60-day limit that Ms. Thornton has to find a new practice monitor or cease prescribing opioid medication and other controlled substances.

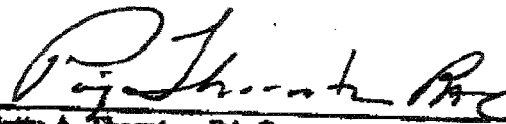
20. The Committee retains sole discretion to disapprove Ms. Thornton's practice monitor at any time. If the Committee disapproves Ms. Thornton's practice monitor, it will provide Ms. Thornton with written notice of the disapproval and a brief explanation of the reasons for its decision. Upon receiving this notice, Ms. Thornton shall immediately notify her practice monitor that he/she is no longer authorized to monitor her practice under this Agreement. Consistent with paragraph eighteen above, Ms. Thornton will seek Committee approval for a new practice monitor. If a new monitor is not approved by the Committee within sixty (60) days, Ms. Thornton will cease prescribing opioid medication and other controlled substances until such time as the Committee approves a new monitor.

21. Ms. Thornton and the practice monitor agree that they have both read this Agreement in its entirety and agree to all the terms and obligations set forth herein.


22. Ms. Thornton and the practice monitor agree that the terms of this Agreement cannot be amended or modified in any way without written approval of the Committee.

Signatures

DATED at Rutland, Vermont, this 23RD day of L, 2023


Patty A. Thornton, PA-C

DATED at _____, Vermont, this 26th day of _____, 2023


Practice Monitor