

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: Katharine Shapiro.)
) Licensing Matter
)

STIPULATION AND CONSENT ORDER

NOW COME Katharine Shapiro, Physician Assistant, (“Applicant”) and the State of Vermont, by and through Attorney General William H. Sorrell and undersigned counsel, Assistant Attorney General Margaret O. Vincent, and stipulate as follows:

1. Katharine Shapiro, Applicant, filed an application for a Vermont physician assistant license in June of 2016. Applicant was a certified physician assistant in the State of Vermont from November 1985 through January 1994.
2. Jurisdiction rests in the Vermont Board of Medical Practice (the “Board”) pursuant to 26 V.S.A. §§ 1353, 1391, 1398 and 3 V.S.A. §§ 809 and 814(c) and (d).

BACKGROUND

3. Applicant received her Physician Assistant Certificate from the State University of New York at Stony Brook in 1979 and received a Master in Public Health in Population and International Health from Harvard in 1998.
4. Applicant received her certification as a physician assistant from the Board in the fall of 1985. Between 1985 and 1994 Applicant was a physician assistant who worked in family practice. In 1994 Applicant stopped practicing in the State of Vermont and for over 20 years worked in International Public Health.

5. In the past 20 years Applicant has engaged in limited clinical practice and therefore is agreeing to a reentry plan.
6. To prepare for reentry to full time clinical practice, Applicant states that she spent 4 months reviewing primary care medicine. This included an online primary care review course and a 5-day P.A. Board Exam Review Course.
7. Applicant passed the P.A. Board Exam and regained her certification with the National Commission on Certification of Physician Assistants on May 4, 2015.

II. AGREEMENT AS TO TERMS AND CONDITIONS OF LICENSURE

8. Applicant is knowingly and voluntarily agreeing to this Stipulation and Consent Order. She agrees and understands that by executing this document she is waiving at this time any rights of due process that she may possess with regard to the issuance to her of a Vermont medical license with accompanying terms and conditions. She agrees that the Vermont Board of Medical Practice possesses and shall continue to maintain jurisdiction in this matter, including any required action to enforce the terms herein.
9. Applicant acknowledges that at all times she has had the right to be represented by counsel in this matter. Applicant agrees that she personally has read and carefully reviewed this document. Applicant agrees to accept and fully abide by the terms and conditions set forth below while this agreement remains in force.
10. Applicant agrees that the terms and conditions of this agreement shall be imposed concurrently with the issuance of Applicant's Vermont medical license.

11. Applicant understands and agrees that that the Vermont physician assistant license issued pursuant to this agreement shall be issued with the designation “conditioned”.
12. Applicant recognizes the responsibility of the Vermont Board of Medical Practice to protect the health, safety and welfare of patients. She agrees to continue to provide her full cooperation with the Board in this matter and with regard to her practice and care of patients.
13. Applicant acknowledges that the sole purpose of this agreement is to establish terms and conditions governing her supervised return to the practice of medicine. Applicant agrees to and accepts all terms and conditions herein without reservations and to do so in exchange for the Board’s approval of this Stipulation and Agreement.
14. Applicant further agrees that this Stipulation and Agreement, without more, does not create a right to an unconditioned Vermont physician assistant license and does not constitute a promise of any kind by the Board of Medical Practice regarding continued or future licensure.
15. Applicant agrees that the Board of Medical Practice may adopt Paragraphs 1 through 15 as its findings of fact and/or conclusion of law in this matter. She accepts and agrees that these paragraphs provide a sufficient basis for entry and enforcement of this Stipulation and Agreement by the Vermont Board of Medical Practice.

A. SUPERVISION

16. Applicant's agrees that her reentry program shall be with the Health Center in Plainfield, Vermont.
17. Applicant agrees that her primary supervisor will be John Matthew, M.D. and that her secondary supervisors will be Ruth Crose, M.D., Melissa Houser, M.D., and Elisha McLam, M.D.
18. Initially, Applicant shall see and care for patients only under the direct supervision of one of her named supervisors. Direct supervision requires the supervisor to be present in the exam room with the Applicant at all times. This initial phase of direct supervision shall continue until Applicant has completed at least 30 hours of direct patient care and at least 10 hours of chart review with her supervisors.
19. With the agreement of the primary supervisor 10 of the 30 hours of direct supervision may be done by PA Marge Bowers. The care provided shall be reviewed by the primary or secondary supervisor.
20. During the second phase of Applicant's reentry plan, Applicant shall see and care for patients only when a supervising physician is readily available for consultation with Applicant and to provide any needed assistance or consultation. A supervising physician shall, without fail, carry out a chart review within one working day for each instance of patient care rendered by Applicant. Following review, each chart shall be initialed and dated by the reviewer, who shall be one of Applicant's supervising physicians. The second phase of Applicant's reentry to practice and supervision shall continue until Applicant has completed at least 90 additional hours of direct patient care.

21. The two phases described in paragraphs 16 through 20, shall total at least 120 hours of direct patient care.
22. The Vermont Board of Medical Practice, in its sole discretion and without need of notice or hearings, may extend the duration of either or both of the reentry phases described above, but only if reporting or information from Applicant's supervising physicians indicates one or more areas of possible deficiency in Applicant's practice skills, knowledge or performance.
23. All patient care, that Applicant personally provides, shall be separately logged and documented by her in writing, including the patient's name, date and time of care, a brief summary of the care rendered, and the name of the supervising physician(s) who is involved or on duty at the time.
24. Applicant agrees that at the conclusion of the two phases outlined in paragraphs 16-20, she will begin the third phase of reentry, with special supervision, under this agreement for at least another three months.
25. Applicant's practice of medicine shall be subject to special supervision, in addition to the terms of the Delegation Agreement;
 - a. Applicant shall meet individually with her primary supervisor at least once a week during the third reentry phase.
 - b. Applicant shall maintain a written record of the date, place and duration of each meeting and consultation with her supervising physician. Upon request by the Board or its agents, Applicant shall produce without delay such written record for review and copying.

26. Each meeting during all three phases of this agreement between Applicant and the primary supervising physician shall be of sufficient duration and involve discussion in sufficient detail to permit them to do the following;
- a. Confer regarding the care of individual patients
 - b. Review charts and record keeping matters;
 - c. Discuss problems or concerns related to certain patients or complex cases;
 - d. Address general professional standards, expectations, and office-based practice;
 - e. Review, as needed, matters such as current research and studies, general fund of knowledge, patient safety, performance of procedures, prescribing, communication and counseling, and decision making; and
 - f. Discuss areas of weakness that might be addressed through CME or self-study.

27. Applicant understands and agrees that her return to the practice of medicine shall occur and continue only if the Board of Medical Practice, in its sole discretion, determines at all times that such continuation is consistent with prevailing professional standards, patient safety and the public welfare.

B. REENTRY AGREEMENT

28. Applicant agrees to enter into a reentry agreement with her primary supervisor, Dr. John Matthew. Any change in the reentry agreement shall be subject to the approval of the assigned Committee or the Board.
29. Applicant shall be responsible for ensuring that the reentry complies with the terms and obligations of the Reentry Agreement that shall be signed by both Applicant

and the primary supervisor. The Reentry Agreement is attached hereto as "Exhibit A".

30. Applicant shall provide to the Board, within one week of her completing the 120 hours of direct supervision, a written report from her primary supervisor. The report shall include information regarding Applicant's competency in performing physical exams, taking a medical history, and developing a diagnosis and making a treatment plan, as well as Applicant's practice activities and workload, knowledge and skills, any problem or concerns, and ability to practice safely.
31. Applicant shall provide a copy of this Stipulation and Agreement to her primary supervisor.
32. Applicant shall provide to the Board during the third phase of reentry a monthly written report from her primary supervisor. The report shall include information specified in paragraph 30.
33. After the Applicant successfully completes her third full month under the third phase of reentry Applicant may request relief from the conditions on her license. The Board shall not take any action on that request without receiving the final written report from her primary supervisor.
34. Applicant shall comply with the terms and obligations of the Reentry Agreement.
35. Applicant shall be solely responsible for all costs associated with the reentry agreement. Applicant shall be responsible for ensuring that the primary supervisor's reports are timely submitted to the Committee.
36. Applicant agrees that her reentry agreement with the primary supervisor shall provide that the primary supervisor immediately notify the Board if the Applicant

has engaged in practice that does not meet the standard of care. Applicant must also immediately notify the Board if the primary supervisor informs her of a belief that the Applicant may have engaged in practice that does not meet the standard of care.

37. Applicant agrees to allow a Board member, an investigator for the Board or an Assistant Attorney General to speak with applicant's primary supervisor regarding her ability to practice. The agreement with the primary supervisor must include Applicant's consent to having the primary supervisor speak with a Board representative and the primary supervisor's agreement to do so.

C. MODIFICATION OF TERMS

38. The Vermont Board of Medical Practice, in its sole discretion, may require that Applicant pursue an additional period of supervised practice, retraining or additional training in certain subjects or fields, but only if:
- a. reporting or information from Applicant's supervising physicians or practice site indicates one or more areas of possible deficiency in Applicant's practice skills, knowledge or performance;
 - b. The Board receives credible information regarding deficiency in Applicant's practice skills, knowledge, performance, or conduct. The Board will advise Applicant of the adverse information and provide Applicant an opportunity to respond before any final action by the Board.
39. The parties agree that Applicant's continuing formalized association with the Health Center in Plainfield Vermont is a material term of this agreement. The parties agree that interruption or cessation of practice or employment during the

required period shall constitute a circumstance of non-compliance by Applicant with the terms and conditions of this agreement and shall require Applicant to voluntarily and immediately cease any and all practice activities. The Board, in its sole discretion, shall promptly consider and approve or disapprove any petition from Applicant or the State, regarding such cessation.

D. ADDITIONAL TERMS

40. All terms and conditions of this agreement shall be imposed concurrently with any reinstatement of Applicant's Vermont medical license.
41. The parties agree that this Stipulation and Consent Order shall be a public document, shall be made part of Applicant's licensing file, and shall be reported as a conditioned license to other licensing authorities and/or entities including, but not limited to, the National Practitioner Data Bank and the Federation of State Medical Boards.
42. 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. However, should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board, the parties request that the Board enters an order adopting the facts and/or conclusions herein and all terms and conditions of licensure as set forth herein, including that this license is conditioned.
43. Applicant agrees that all terms and conditions herein may be adopted as an enforceable order of the Board. Applicant agrees that the Board of Medical

Practice shall retain continuing jurisdiction in this matter and may enforce as necessary all terms and conditions herein.

Dated at Burlington, Vermont, this 27 day of September, 2016.

STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

by: Margaret O. Vincent
MARGARET O. VINCENT
Assistant Attorney General

Dated at Madison, VT., this 22nd day of Sept., 2016.

Katharine Shapiro
KATHARINE SHAPIRO
Applicant

ORDER

The Vermont Board of Medical Practice, so Orders, that the Vermont Physician Assistant License of Katharine Shapiro, shall be a Conditioned License subject to the above Terms and Conditions.

FOREGOING, AS TO KATHARINE SHAPIRO, PHYSICIAN ASSISTANT

**APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE**

<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>
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Dated: October 5th, 2016

ENTERED AND EFFECTIVE: October 5th, 2016

EXHIBIT A

REENTRY AGREEMENT

Vermont Board of Medical Practice

Katharine Shapiro, Physician Assistant Licensing Matter


1. Pursuant to a Stipulation and Consent Order entered into by PA Katharine Shapiro and the Vermont Board of Medical Practice ("the Board"), PA Shapiro has engaged a primary supervisor to provide direct and continued supervision in her reentry program. The purpose of this Reentry Agreement is to set forth the terms of the supervision called for under PA Shapiro's Stipulation and Consent Order. This Agreement will be signed by the primary supervisor approved by the assigned Committee ("the Committee") and PA Shapiro.
2. The Reentry Agreement shall cover all three phases of the reentry plan. The Reentry Agreement will cease upon the Board's removing the conditions on PA's license.
(See Stipulation and Consent Order)
3. In the event that the primary supervisor can no longer supervise PA Shapiro, PA Shapiro shall immediately notify the Board in writing. PA Shapiro will immediately terminate her practice until she has found a new primary supervisor that is approved by the Committee assigned to PA Shapiro's agreement. PA Shapiro shall provide the Committee with the name and curriculum vitae of the proposed new primary supervisor. The Committee will provide written notification to PA Shapiro indicating whether it approves of the new proposed primary supervisor.
4. PA Shapiro shall provide the primary supervisor with a copy of the fully executed Stipulation and Consent Order.

5. PA Shapiro shall be responsible for ensuring that the primary supervisor does the following:
 - a. The primary supervisor shall oversee that PA Shapiro completes at least 30 hours of practice while being directly supervised by the MDs or the PA approved by the Board and at least 10 hours of chart review with those supervisors. Direct supervision means that one of the approved supervisors will be in the exam room with PA Shapiro and the patient, directly observing and providing feedback or intervention as necessary to ensure that the patient receives appropriate care.
 - b. During the second phase of PA Shapiro's reentry plan the primary supervisor shall ensure that PA Shapiro only sees and cares for patients when an approved supervisor is on the premises of the Plainfield Health Center and readily available for consultation or assistance as needed. Further that one of the approved supervising physicians shall, without fail, carry out a chart review within one working for day each instance of patient care rendered by PA Shapiro
 - c. The meetings between PA Shapiro and the primary supervisor shall be of sufficient duration and involve discussion in sufficient detail to include at least the following;
 - i. Confer regarding the care of individual patients
 - ii. Review charts and record keeping matters;
 - iii. Discuss problems or concerns related to certain patients or complex cases;

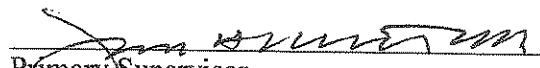
- iv. Address general professional standards, expectations, and office-based practice;
 - v. Review, as needed, matters such as current research and studies, general fund of knowledge, patient safety, performance of procedures, prescribing, communication and counseling, and decision making; and
 - vi. Discuss areas of weakness that might be addressed through CME or self-study.
- d. Provide a written report within one week after PA Shapiro has completed the first two phases of reentry. The primary supervisor shall provide a monthly report during the third phase reentry. The reports shall at least include the following;
- i. Applicant's competency in performing physical exams,
 - ii. Applicant's competency in taking a medical history;
 - iii. Applicant's ability to develop a diagnosis and make a treatment plan;
 - iv. Applicant's practice activities and workload;
 - v. Applicant's knowledge and skills,
 - vi. any problem or concerns that the primary supervisor has viewed or any reports he has received from other supervisors regarding problems or concerns they have noted regarding the Applicant
 - vii. and the Applicant's ability to practice safely.
6. PA Shapiro and the primary supervisor agree that the primary supervisor shall discuss his observations regarding PA Shapiro's ability to practice upon request by a Board member, investigators for the Board or an Assistant Attorney General.

7. PA Shapiro and the primary supervisor agree that the primary supervisor will immediately notify the Board if there is any indication that PA Shapiro has engaged in practice that does not meet the standard of care.
8. PA Shapiro and the primary supervisor agree that they have both read this Agreement in its entirety, and agree to all of the terms and obligations set forth herein.
9. PA Shapiro and the primary supervisor agree that the terms of this Agreement cannot be amended or modified in any way without written approval of the Committee.

DATED at Middlesex, Vermont, this 22 day of September, 2016.


Katharine Shapiro, Physician Assistant
Respondent

DATED at Plamfield, Vermont, this 23 day of Sept., 2016.


Primary Supervisor