

6. Respondent's nephew resided in South Carolina and he did not visit Vermont.
Respondent is licensed to practice medicine in Vermont.
7. Respondent did not establish and maintain a proper physician-patient relationship with her nephew throughout the relevant time period due to her incorrect belief that she was exempt from this requirement due to her familial relationship. Specifically:
 - a Respondent did not meet with, or speak to, her nephew in any type of patient encounter before, during or after the period when she prescribed him the medications.
 - b Respondent did not maintain a medical record or create any type of documentation of her treatment of her nephew.
 - c Respondent did not document a diagnosis of her nephew.

CONCLUSIONS OF LAW

8. It is unacceptable medical practice for a licensee to fail to document treatment of patients. Such conduct may constitute the performance of unsafe or unacceptable patient care and the failure to conform to the essential standards of acceptable and prevailing practice in violation of 26 V.S.A. §§ 1354(b)(1) and (2).
9. It is unprofessional conduct for a licensee to provide, prescribe, dispense, or furnish medical services or prescription medication or prescription-only devices to a person in response to any communication transmitted or received by...electronic means, when the licensee fails to take the following actions to establish and maintain a proper physician-patient relationship: ...(b) establishment of documented diagnosis

through the use of accepted medical practices; and (c) maintenance of a current medical record. 26 V.S.A. §§ 1354(A).

10. Respondent acknowledges that it is the Board's position 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).

11. Respondent agrees that the Board may enter as its facts and/or conclusions paragraphs 1 through 7 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.

12. 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 and in the best interest of the parties.

13. Respondent acknowledges that she is knowingly and voluntarily entering into this agreement with the Board. She acknowledges she has had the 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.

14. 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.

15. 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.
16. 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.
17. 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 and the National Practitioner Data Bank. In

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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.

18. The parties therefore jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board, it may enter an order implementing the terms and conditions herein.

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ORDER

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

1. No later than one year from the date of approval of this Stipulation and Consent Order, Respondent shall successfully complete a continuing medical education ("CME") course on the topic of professional boundaries and ethics, and a CME course on the topic of prescribing anti-psychotic and anti-depressant medications. Respondent must seek prior approval from the Committee for each CME course. Such approval must be sought, in writing, at least 30 days before the date of the CME course. Upon successful completion of each CME courses she shall provide the Committee with proof of attendance. Respondent shall also provide the Committee with a brief written narrative of each CME course which will document what she learned from each course, and how she will apply that knowledge to her practice. Respondent shall provide proof of attendance and the written narratives to the Committee within 30 days of completion of each course. Respondent shall be solely responsible for all costs associated with the CME courses.
2. Respondent acknowledges that, even though not expressly prohibited, treatment of oneself or a member of one's family is discouraged by the American Medical Association. Respondent agrees to abide by the recommendations of the current American Medical Association Opinion on the issue of a physician's treatment of oneself and family members, or as

the opinion may be updated. This condition is permanent, and will remain in effect for the life of this Stipulation and Consent Order.

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SIGNATURES

DATED at Montpelier, Vermont, this 24th day of February, 2017.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: Kassandra P. Diederich
Kassandra P. Diederich
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

DATED at ESSEX, Vermont, this 25 day of Feb, 2017.

Tracey S. Maurer MD
Tracey S. Maurer, M.D.
Respondent

Approved as to form:

DATED at ESSEX, Vermont, this 25th day of FEB, 2017.

Thomas E. McCormick
Thomas E. McCormick, Esquire
McCormick, Fitzpatrick, Kasper & Burchard,
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