

BOARD OF MEDICAL PRACTICE

In re: Joseph L. Brock, M.D.)
) Docket No. MPS 089-0818
)

STIPULATION AND CONSENT ORDER

NOW COME Joseph L. Brock, M.D. and the State of Vermont, by and through Vermont Attorney General Thomas J. Donovan, Jr., and hereby stipulate and agree to the following in the above-captioned matter:

- 1. Joseph L. Brock, M.D. (“Respondent”) held Vermont medical license number 042.0011623 that was originally issued by the Vermont Board of Medical Practice (“the Board”) on August 6, 2008. Respondent is a physician.
- 2. Jurisdiction in this matter rests with 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 this matter in August of 2018 upon receipt of information from Central Vermont Medical Center (“CVMC”) regarding Respondent’s recent retirement from his employment at CVMC and multiple concerns regarding treatment provided to patients and his fitness to practice medicine. The matter was assigned to the South Investigative Committee of the Board (“the Committee”).
- 4. In April and May of 2018 Respondent was on medical leave from his employment at CVMC. While he was on leave other providers in his practice assumed the care of his patients. Many deficiencies in Respondent’s patient care were found by the other providers. Such deficiencies included:

- a. Repeated failure to address and document complaints presented by patients during office visits.
 - b. Provided treatment and performed office procedures without using sterile techniques.
 - c. Failed to inform patients of abnormal lab and diagnostic test results resulting in missed and delayed diagnoses.
 - d. Prescribed opioids contrary to the standard of care and the Vermont Rules Governing the Prescribing of Opioids for Pain. Specifically, inadequate prescribing oversight and clinical monitoring for diversion.
 - e. Prescribed Suboxone contrary to the standard of care and the Vermont Rules Governing Medication-Assisted Therapy for Opioid Dependence.
 - f. Inadequate and untimely medical recordkeeping resulting in incomplete and/or incorrect records.
5. On August 21, 2018, Respondent voluntarily surrendered his Vermont medical license. Respondent has since retired from the practice of medicine and does not intend to practice medicine in any other jurisdiction.
 6. Respondent acknowledges that although he voluntarily surrendered his Vermont medical license, the history of this case will be thoroughly reviewed by the Committee in the event that he attempts to regain his Vermont medical license.

CONCLUSIONS OF LAW

7. The Board may find, "In the course of practice, gross failure to use and exercise on a particular occasion, or on repeated occasions, the degree of care, skill and proficiency which is commonly exercised by the ordinary, skillful, careful and prudent physician engaged in similar practice under the same or similar circumstances, whether or not actual injury to the patient has occurred" constitutes unprofessional conduct. 26 V.S.A. § 1354(a)(22).
8. The deficiencies in Respondent's patient care and medical practice as described above in paragraph four constitute unprofessional conduct as defined in 26 V.S.A. § 1354(a)(22)
9. Respondent agrees that the Board may enter as its facts and/or conclusions paragraphs one through eight 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.
10. 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 this Stipulation and Consent Order ("Stipulation") 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 Stipulation is acceptable and in the best interest of the parties.
11. Respondent acknowledges that he is knowingly and voluntarily entering into this Stipulation with the Board. He acknowledges and agrees that at all times and in all communications and proceedings related to this matter before the

Board he has had the right to be represented by counsel. Respondent has carefully reviewed and considered this Stipulation.

12. Respondent agrees and understands that by executing this Stipulation 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.
13. The parties agree that upon their execution of this Stipulation, 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 Stipulation by Respondent.
14. This Stipulation is conditioned upon its acceptance by the Board. If the Board rejects any part of this Stipulation, the entire Stipulation shall be considered void. Respondent agrees that if the Board does not accept this Stipulation 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 Stipulation, 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.

15. Respondent acknowledges and understands that this Stipulation 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 either directly or through medical licensing information sharing centers, including but not limited to: The Federation of State Medical Boards Board Action Databank and the National Practitioner 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.

16. The parties therefore jointly agree that should the terms and conditions of this Stipulation be deemed acceptable by the Board, it 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:

1. Respondent shall be REPRIMANDED for the conduct set forth above.
2. Respondent shall pay an administrative penalty of \$3,000.00 consistent with 26 V.S.A. § 1361(b). Payment shall be made to the “State of Vermont Board of Medical Practice,” and shall be sent to the Vermont Board of Medical Practice office, at the following address: David Herlihy, Executive Director, Vermont Board of Medical Practice, P.O. Box 70, Burlington VT 05402-0070. The payment shall be due no later than two years after this Stipulation is approved by the Board. Respondent shall make quarterly payments towards the total amount of the administrative penalty.
3. In the event that Respondent reapplies for and is granted a Vermont medical license, in addition to any conditions that may be imposed by the Licensing Committee of the Board, his license shall be

CONDITIONED as follows:

- a. Prior to resuming the practice of medicine in the State of Vermont, Respondent shall satisfy the following conditions:
 - i. Respondent shall undergo a mental examination, a physical examination, and an evaluation of medical knowledge and skill to determine Respondent’s competency and ability to practice medicine with

reasonable skill and safety. Respondent shall seek prior approval, in writing, from the Committee of the individual or entity who will perform the mental and physical examinations and evaluation. The Board shall not be responsible for the cost of such examinations and evaluation.

- ii. Respondent shall successfully complete live, in-person AMA PRA Category 1 continuing medical education (“CME”) courses on the following topics: comprehensive primary care/family medicine update; medical recordkeeping; interpreting lab/diagnostic study results; prescribing opioids for chronic pain; and substance abuse treatment. Respondent shall seek prior approval, in writing, from the Committee for each CME course. Upon successful completion of each CME course, he 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 he learned from each course, and how he will apply that knowledge to his practice. Respondent shall provide proof of attendance and the written narratives to the Committee within 30 days of completion of each course.

- iii. Prior to resuming the practice of medicine in Vermont, Respondent must receive written confirmation from the Committee that he has successfully completed the conditions set forth above in paragraphs 3(a)(i)&(ii).
- b. Respondent shall notify any future employers of the contents of this Stipulation by providing a copy of said document to his employer. This condition shall remain in effect for ten years from the date that he resumes the practice of medicine in the State of Vermont

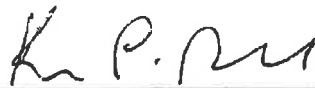
SIGNATURES

DATED at Montpelier, Vermont, this 20th day of December, 2019.

STATE OF VERMONT

THOMAS J. DONOVAN, JR
ATTORNEY GENERAL

By:



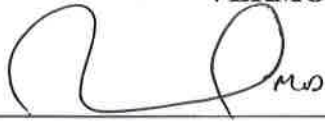
Kassandra P. Diederich
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

DATED at Hyde Park, VT this 6th day of January, ~~2019~~ ²⁰²⁰.

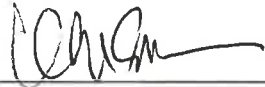


Joseph L. Brock, M.D.
Respondent

AS TO JOSEPH L. BROCK, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

 M.D.

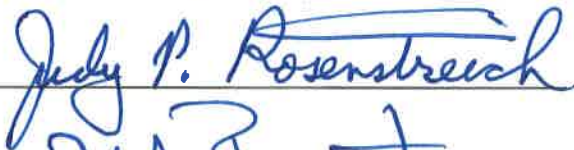






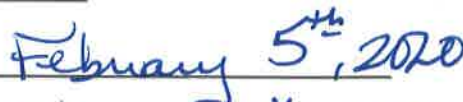
 M.D.





 M.D.

DATED:



ENTERED AND EFFECTIVE:

