

**BOARD OF MEDICAL PRACTICE**

In re: Kristin Scott, P.A.-C.                    )   Docket No. MPC 055-0618, and  
  )                                   MPC 056-0419  
  )

**STIPULATION AND CONSENT ORDER**

NOW COME Kristin Scott P.A.-C., 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. Kristin Scott P.A.-C. (“Respondent”) holds Vermont medical license number 055.0031290 originally issued by the Vermont Board of Medical Practice on March 2, 2016. Respondent is a physician assistant.
- 2. Jurisdiction in this matter rests with the Vermont Board of Medical Practice (“the Board”), pursuant to 26 V.S.A. §§ 1353-1366, 26 V.S.A. §§ 1731-1737, 3 V.S.A. §§ 809-814, and other authority.

**FINDINGS OF FACT**

- 3. The Board opened this matter in June of 2018 upon receipt of information that Respondent had been terminated from her employment working as a physician assistant in New Hampshire due to professional misconduct. The Board was later notified that she had entered into a Settlement Agreement with the New Hampshire Board of Medicine to resolve disciplinary sanctions against her. The matter was assigned to the Central Investigative Committee of the Board (“the Committee”).

4. On June 5, 2019, Respondent voluntarily entered into a Cessation of Practice Agreement with the Vermont Board of Medical Practice. In that agreement Respondent confirmed that she did not currently have a license from the Drug Enforcement Agency (“DEA”) to prescribe controlled substances. She further agreed not to seek renewal of her DEA license during the pendency of the Cessation of Practice Agreement.
5. Respondent entered into the Settlement Agreement with the New Hampshire Board of Medicine (“New Hampshire Board”) on September 22, 2019. A copy of the Settlement Agreement is attached hereto as Exhibit 1.
6. The Settlement Agreement with the New Hampshire Board stipulates that Respondent committed dishonest and unprofessional conduct by repeatedly falsifying and obtaining prescriptions of federally controlled substances for her own use under another provider’s name and DEA number.
7. Respondent further agreed that she entered into the Settlement Agreement with the knowledge that she had a right to an adjudicatory hearing. She acknowledged and understood that if a hearing had occurred, hearing counsel for the New Hampshire Board would seek to prove that Respondent engaged in professional misconduct through the presentation of evidence.
8. The Settlement Agreement with the New Hampshire Board includes the following discipline:
  - a A Reprimand.

- b A fitness to practice examination completed by the New Hampshire Professionals Health Program (“NHPHP”) if or when she reapplies for licensure in New Hampshire.
- c If Respondent is relicensed in New Hampshire as a physician assistant, she will have a two (2) year probationary period with the New Hampshire Board which will begin on the date of her renewed licensure.
- d Within one (1) year from the date of the Settlement Agreement, Respondent shall complete six (6) hours of continuing medical education (“CME”) courses in the subject of ethics in addition to the Board’s general CME requirements. She will provide proof of completion to the New Hampshire Board within fifteen (15) days of fulfilling this requirement.
- e An administrative fine in the amount of \$2,000.00.
- f Within ten (10) days of the date of the Settlement Agreement, Respondent will provide a copy to all current employers or any other Boards which have licensed her as a physician assistant.
- g For a period of one (1) year, provide this Settlement Agreement to any future employer who employs her for physician assistant services or Board from which she seeks licensure as a physician assistant.



## CONCLUSIONS OF LAW

9. The Board may find that conduct which evidences unfitness to practice medicine constitutes unprofessional conduct. 26 V.S.A. § 1354(a)(7); 26 V.S.A. § 1736(a)(6).
10. The Board may also find that it is unprofessional conduct to willfully make or file false reports or records in the practice of medicine. 26 V.S.A. § 1354(a)(8); 26 V.S.A. § 1736(b)(1).
11. 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(a)(7)-(8); 26 V.S.A. §§ 1736(a)(6) & (b)(1).
12. Respondent agrees that the Board may enter as its facts and/or conclusions paragraphs 1 through 11 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.
13. 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 this 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.
14. Respondent acknowledges that she is knowingly and voluntarily entering into this agreement with the Board. She has done so with the benefit of legal counsel. Respondent is fully satisfied with the legal representation that she has received.

15. 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.
16. 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 unless or until Respondent successfully petitions the Board for reinstatement of her license, or absent non-compliance with the terms and conditions of this document by Respondent.
17. 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.
18. 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 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.

19. 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.

## 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. Upon Board approval of this Stipulation, Respondent is hereby relieved from the Cessation of Practice Agreement that went into effect on June 5, 2019, but her license will thereupon be suspended according to the terms below.
3. Respondent's medical license is SUSPENDED until:
  - a. Respondent provides the Vermont Board of Medical Practice with the results of a fitness to practice examination completed by the NHPHP, or if a fitness to practice examination is not completed by that organization, a comparable fitness to practice examination approved by the Committee. Respondent's license will remain suspended unless and until the Committee approves a satisfactory report from a fitness to practice examination.
  - b. Respondent shall successfully complete six (6) hours of AMA PRA Category 1 continuing medical education ("CME") courses on ethics. Respondent shall complete the CME courses within one (1) year of the date that this Stipulation and Consent Order is approved by the Board. Upon successful completion of the 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 that 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 narrative to the Committee within thirty (30) days of completion of each course. Respondent shall be solely responsible for all costs associated with meeting these CME requirements.

- c. Respondent shall notify any and all current and future employers for whom she is working as a physician assistant, or providing work which involves directly or indirectly caring for patients as a physician assistant, of the contents of this Stipulation and Consent Agreement and Order by providing a copy of said document to any employer(s) for a period of one (1) year from the date of the approval of this order by the Board.
- d. In order to seek relief from license suspension, Respondent shall submit a written request to the Committee certifying compliance with the terms of this order and requesting that her Vermont medical license be reinstated. She will not return to practice unless or until such time as the Board approves her request.

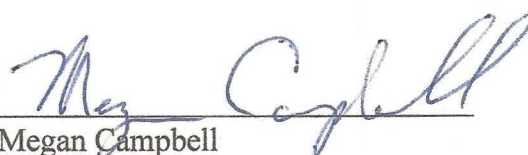


**SIGNATURES**

DATED at Chelsea, Vermont, this 13<sup>th</sup> day of July, 2020.

STATE OF VERMONT

THOMAS J. DONOVAN, JR  
ATTORNEY GENERAL



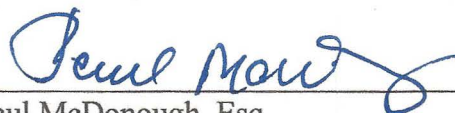
Megan Campbell  
Assistant Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, VT 05609-1001

DATED at Lebanon, NH New Hampshire, this 31<sup>st</sup> day of July,  
2020.



Kristin Scott, P.A.-C.  
Respondent

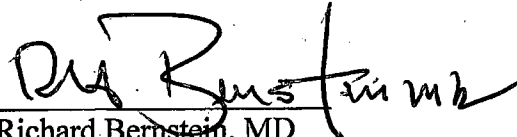
DATED at Lebanon, NH, New Hampshire, this 31<sup>st</sup> day of July,  
2020.



Paul McDonough, Esq.  
Decato Law Office  
84 Hanover Street  
Lebanon, NH 03766  
Counsel for Respondent

**AS TO KRISTIN SCOTT, P.A.-C.  
APPROVED AND ORDERED  
VERMONT BOARD OF MEDICAL PRACTICE**

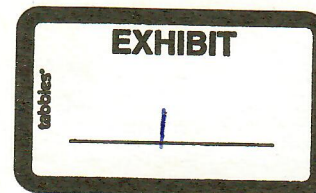
Signed on Behalf of the Vermont Board of Medical Practice

By:   
Richard Bernstein, MD  
Chair  
Vermont Board of Medical Practice

Vote documented in the Vermont Board of Medical Practice meeting minutes,  
dated August 5, 2020.

Dated: 8/9/20

State of New Hampshire  
Board of Medicine  
Concord, New Hampshire 03301



In the Matter of:  
**Kristin J. Scott, P.A.**  
**Former License No.: 0807**  
(Misconduct Allegations)

**SETTLEMENT AGREEMENT**

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of medicine, the New Hampshire Board of Medicine ("Board") and Kristin J. Scott, P.A. ("Respondent"), a physician assistant licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 328-D:6, I; RSA 329:18; RSA 329:18-a; and Medical Administrative Rule ("Med") 206 and 210, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by physician assistants. Pursuant to RSA 329:18-a, III, the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to practice medicine as a physician assistant in the State of New Hampshire on January 5, 2011. Respondent held license number 0807 until it expired on December 31, 2018. Respondent had most recently worked for a neurology practice out of Lebanon, New Hampshire.
3. On or about May 21, 2018, the Board received a letter from Alice Peck Day Memorial Hospital which noted that it had recently been made aware of allegations



that a physician assistant on its medical staff, identified as Respondent, "engaged in multiple instances of fraudulent controlled substances prescription practices."

4. In response to this, the Board conducted an investigation and obtained information from various sources.

5. Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel would seek to prove that Respondent engaged in professional misconduct through the introduction of evidence of the following facts:

A. On May 7, 2018 Alyssa Pearl, PA, had a phone conversation with a local pharmacy manager asking her to verify prescription for Carisoprodol (a schedule IV controlled substance, which is the generic version of the muscle relaxer, Soma). The subject prescription was purported to have been issued by Ms. Pearl for an individual herein referred to as E.S. The early refill was being requested by a female who called it into the pharmacy.

B. Ms. Pearl denied writing the subject prescription for E.S., who is married to Respondent. Respondent and Ms. Pearl were co-workers at the same neurology practice.

C. The pharmacy manager subsequently located nine (9) phoned in prescriptions for E.S. The prescriptions ranged from September 30, 2016 through May 4, 2018. All of the prescriptions were purported to have been issued by Ms. Pearl and contained three (3) refills. Five (5) of the prescriptions were for Soma and four (4) of them were for Carisoprodol. All of the prescriptions

were filled and refilled three times, except for the one called in on May 4, 2018, which was not filled at all.

D. Respondent admitted using Ms. Pearl's name and DEA number without her permission to call in the subject prescriptions for Carisoprodol and Soma (as well as the schedule IV controlled substance Ambien) for her husband. Respondent picked up each of the filled prescriptions.

E. Respondent further acknowledged that the prescriptions were for her own consumption and that she was treating herself for anxiety over the last couple of years. Respondent noted that her husband did not have any involvement in her course of conduct.

6. The Board finds that Respondent committed the acts as described above and concludes that (a) Respondent engaged in dishonest and unprofessional conduct under RSA 328-D:6, IV and Med 609.01 (5) and; (b) under RSA 328-D:6, IX, Respondent willfully and repeatedly violated the Guidelines for Ethical Conduct for the Physician Assistant Profession adopted by the Board in Med 609.01 (a) (8).

7. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against her license to practice as a physician assistant in the State of New Hampshire.

8. Respondent consents to the Board imposing the following discipline, pursuant to RSA 328-D:7:

A. Respondent is publicly REPRIMANDED.



- B. Respondent is required to get a FITNESS TO PRACTICE EXAMINATION through the New Hampshire Professionals Health Program (NHPHP) if and when she reapplies to the Board for licensure.
- C. In the event that Respondent becomes licensed again, her license to practice as a physician assistant will be placed on PROBATION for two (2) years from the date that Respondent becomes licensed again.
- D. Respondent is required to meaningfully participate in six (6) hours of CONTINUING MEDICAL EDUCATION in the areas of ethics. These hours shall be in addition to the hours required by the Board and shall be completed within one (1) year from the effective date of this *Settlement Agreement*. Within fifteen (15) days of completing these hours, Respondent shall notify the Board and provide written proof of completion.
- E. Respondent is assessed an ADMINISTRATIVE FINE in the amount of two thousand dollars (\$2,000). Respondent shall pay this fine in ten (10) installments of \$200 each. The first payment shall be due within thirty (30) days of the effective date of this agreement. The remaining payments shall be due within thirty (30) days of the previous payment. All payments shall be made in the form of a money order or bank check made payable to "Treasurer, State of New Hampshire" and delivered to the Board's office at 121 S. Fruit Street, Concord, New Hampshire, 03301.
- F. Within ten (10) days of the effective date of this agreement, as defined further below, Respondent shall furnish a copy of the *Settlement Agreement* to any



current employer for whom Respondent performs services as a physician assistant or work which requires a physician assistant degree and/or license or directly or indirectly involves caring for patients as a physician assistant, and to any agency or authority which licenses, certifies or credentials physician assistants, with which Respondent is presently affiliated.

G. For a continuing period of one (1) year from the effective date of this agreement, Respondent shall furnish a copy of this *Settlement Agreement* to any employer to which Respondent may apply for work as a physician assistant or for work in any capacity which requires a physician assistant degree and/or license or directly or indirectly involves caring for patients as a physician assistant, and to any agency or authority that licenses, certifies or credentials physician assistants, to which Respondent may apply for any such professional privileges or recognition.

9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 328-D:6, IV, and a separate and sufficient basis for further disciplinary action by the Board.

10. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Order as a factor in

determining appropriate discipline should any further misconduct be proven against Respondent in the future.

11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
12. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to her other than those terms and conditions expressly stated herein.
13. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
14. Respondent understands that her action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
15. Respondent has had the opportunity to seek and obtain the advice of an attorney of her choosing in connection with her decision to enter into this agreement.
16. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to, or by, the Board surrounding its review of this *Settlement Agreement* have prejudiced her right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
17. Respondent is not under the influence of any drugs or alcohol at the time she signs this *Settlement Agreement*.



18. Respondent certifies that she has read this document titled *Settlement Agreement*. Respondent understands that she has the right to a formal adjudicatory hearing concerning this matter and that at said hearing she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, she waives these rights as they pertain to the misconduct described herein.
19. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

FOR RESPONDENT

Date: 9/22/19

Kristin J. Scott  
Kristin J. Scott, P.A.  
Respondent

Date: 9-22-2019

Paul McDonough  
Paul McDonough, Esq.  
Counsel for Respondent



**FOR THE BOARD/\***

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: November 21, 2019

Penny Taylor  
(Signature)

PENNY TAYLOR  
(Print or Type Name)  
Authorized Representative of the  
New Hampshire Board of Medicine

/\* N/A, Board members, recused.