

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: Philip P. Trabulsy, MD) Docket No. MPS 044-0216
)

CESSATION OF PRACTICE AGREEMENT

NOW COME Philip P. Trabulsy, M.D., and the State of Vermont, by and through Vermont Attorney General William H. Sorrell, and the undersigned Assistant Attorney General, Cassandra P. Diederich, and agree and stipulate as follows:

1. Philip P. Trabulsy, M.D. ("Respondent") of Colchester, Vermont holds Vermont medical license number 042-0009274 first issued by the Vermont Board of Medical Practice on April 30, 1996. Respondent is an orthopedic surgeon, and practices at the University of Vermont Department of Orthopedics in South Burlington, Vermont.
2. Jurisdiction in these matters rests with the Vermont Board of Medical Practice ("the Board"), pursuant to 26 V.S.A. §§ 1353-1361, 3 V.S.A. §§ 809-814, and other authority.

Background

3. As a result of circumstances involving Respondent's personal health concerns, Respondent has voluntarily determined that he shall temporarily and immediately cease and desist at this time from the practice of medicine.
4. Based on his current health concerns, and for the welfare of any potential patients, Respondent has determined that he shall voluntarily enter into this Cessation of Practice Agreement ("Agreement") with Vermont Board and shall immediately refrain temporarily from any and all practice of medicine until further order of the Board.

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Respondent agrees that the instant Agreement with the Board sets forth in writing the terms for such cessation of medical practice by him.

5. Respondent acknowledges that he has been offered the opportunity to obtain and receive legal advice and counsel regarding this matter. Respondent agrees and understands that by executing this Agreement he is waiving at this time such rights as he may possess to challenge the jurisdiction and continuing jurisdiction of the Board in this matter, and to a public hearing on any motion that the State might have filed pursuant to 3 V.S.A. §§ 809 & 814. He agrees and fully understands that by executing this document he is waiving the necessity of any proceedings, findings and order by the Board, pursuant to 3 V.S.A. § 814(c), so as to achieve disposition of this matter. Thus, Respondent voluntarily and knowingly agrees to the terms and conditions therein.
6. Respondent has indicated his desire to continue to cooperate fully with the Board. Thus, the parties have agreed to enter into the instant Agreement, which is intended to serve as an interim means of affording Respondent the best possible opportunity to focus upon his personal and medical needs while providing for the protection of the health and welfare of his patients.

Cessation of Practice

7. It is agreed by the parties that Respondent shall cease and desist immediately and hereafter, following his execution of this Agreement, from any and all practice of medicine in the State of Vermont.

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8. Respondent shall neither prescribe nor dispense any drugs, controlled or non-controlled, to patients, associates, himself, family members or others after execution of this Agreement.
9. Respondent shall execute and submit a Voluntary Surrender of Controlled Substances Privileges document with the U.S. Drug Enforcement Agency ("DEA"). Respondent acknowledges that by executing this document, he agrees to voluntarily surrender his DEA Certification of Registration. He further acknowledges that execution and submission of this document to the DEA will result in the immediate termination of his DEA registration.
10. Respondent agrees that the Board, in its sole discretion, may consider and approve a petition from Respondent at a later date for modification or relief from the terms and conditions of this Agreement, when the circumstances of Respondent's medical or personal needs so warrant. Respondent understands that if he desires to seek modification or relief, he must first present a petition to the South Investigative Committee ("the Committee") of the Board requesting such modification or relief. Respondent agrees and understands that the Committee will make a recommendation to the Board as to whether Respondent's petition for modification or relief should be granted. Respondent understands and agrees that in order for a petition for relief or modification to be granted, the Board must approve his request for relief or modification, and issue an Order to that effect. Respondent expressly agrees that he will provide his full cooperation at all times with Board and Committee investigation and review in this regard.

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Express Provisions

11. Respondent agrees, pending further proceedings or order of the Board to:
- a. Cooperate fully and in good faith with all further investigations of these matters by the Board;
 - b. Sign such authorizations and/or waivers of confidentiality as may be presented to him by the Board as to his medical records, treatment records, evaluations or assessments, legal matters, and court proceedings;
 - c. Cease and desist, effective immediately, pursuant to this order of the Board, from any and all practice of medicine, including any and all prescribing of any kind for patients, associates, himself, family members or others; office visits; consultations; examinations; treatment; and surgery; and
 - d. Adhere to all terms and conditions set forth above and herein until relieved of such obligation by further order of the Board.

General Provisions

12. Respondent assures and agrees that he shall provide his continued cooperation with the Board and its investigators. Respondent agrees that he shall execute any and all waivers/authorizations that may be required for the Board, its staff or agents to conduct its investigation and review of circumstances. Respondent also agrees that the Board or its agents may communicate orally to obtain information from practitioners involved in his care and treatment.
13. Respondent recognizes the Board's obligation in all cases to investigate as required and to act expeditiously to protect the public health, safety and welfare. Respondent

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makes no statement or admission here other than to assure his continued cooperation with the Board and its statutory responsibilities. Respondent acknowledges that no promises have been made to him regarding the final disposition of any matter or other action of the Board.

14. Respondent agrees that he has read and carefully considered all terms and conditions herein and agrees that these may be adopted as an enforceable order of the Board, pursuant to 3 V.S.A. §§ 129(a)(3), 809(d) and 26 V.S.A. §§1353, 1737, and agrees to accept and be bound by these until such time as he may be expressly relieved of these or they are modified, in writing, by an order of the Board.

15. The parties agree that this Agreement does not constitute disciplinary action. However, the parties acknowledge that this Agreement shall be a public document, shall be made part of Respondent's licensing file, and may be reported to other licensing authorities. Respondent's license status will be changed to "Practice Cessation" upon approval by the Board.

16. This Cessation of Practice Agreement is subject to review and acceptance by the Board, and shall not become fully and finally effective until presented to and approved by the Board. However, this in no way limits Respondent's obligation to cease and desist from the practice of medicine as stated in Paragraph 7 above. If the Board rejects any part of this Agreement, the entire Agreement shall be void. The parties agree and request that the Board enter a binding order adopting the terms and conditions set forth herein.

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ACT

17. Respondent agrees that the Board shall retain jurisdiction in this matter and may enforce as necessary the terms set forth herein, pursuant to 26 V.S.A. §1354(25) or other statutory provisions.

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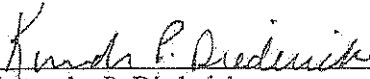
SIGNATURES

DATED at Burlington, Vermont, this 5th day of August, 2016.

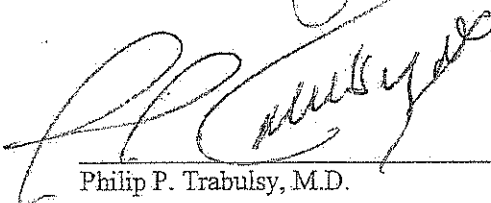
STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By:



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

DATED at Burlington, Vermont, this 8th day of August, 2016.


Philip P. Trabulsky, M.D.

Respondent

DATED at Burlington, Vermont, this 9 day of August, 2016.


Ritchie E. Berger, Esquire
Dinse, Knapp & McAndrew, P.C.
209 Battery Street
Burlington, VT 05402-0988
Counsel for Respondent

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AS TO Philip P. Trabulsi, M.D.

APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

Wm. P. [unclear]

[unclear]

[unclear]

Brent Berger

[unclear] MO

Dr. Bensler

Fernier

[unclear]

DATED: September 7th, 2016

ENTERED AND EFFECTIVE: September 7th, 2016

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