

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: Alexandra Van Dyck, M.D.)
) Licensing Matter
)

STIPULATION AND CONSENT ORDER

NOW COME Alexandra Van Dyck, M.D. (“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. Alexandra Van Dyck, M.D., Applicant, completed an application for Vermont medical licensure in July of 2020.
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 did her Medical residency program from 2007 to 2010 at Dartmouth Hitchcock Medical Center. She was employed by Dartmouth Hitchcock Keene from 2012 to 2018 as a primary care physician.
4. Applicant answered yes on the Vermont Medical licensure application that she had resigned from Dartmouth Hitchcock Keene Medical practice after having been notified of an investigation or peer review that was not yet resolved, or in lieu of or in settlement of a pending disciplinary case related to competence or character.

5. Applicant resigned from Dartmouth Hitchcock Keene due to continued issues of completing her medical charts on time as well as for personal issues.
6. Applicant is seeking a Vermont license and plans to practice as a primary care physician at Hearth Stone Health in Townshend, Vermont.

II. Agreement as to Terms and Conditions of Vermont Licensure

7. 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.
8. 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.
9. Applicant agrees that the terms and conditions of this agreement shall be imposed concurrently with the issuance of Applicant's Vermont medical license.
10. Applicant understands and agrees that that the Vermont medical license issued pursuant to this agreement shall be issued with the designation "conditioned" for at least two years from the time that the Board accepts and approves this Stipulation and Consent Order, until such time as the conditions may be lifted. Applicant may petition the Board for the conditions to be lifted as outlined in this agreement after

two years of the Board receiving timely reports indicating that her medical charts have been completed accurately, within 48 hours and meet the standard of care.

11. Applicant has informed the Board that if she is granted a conditioned license, she will be employed by Hearth Stone Health. Applicant shall inform the Board immediately if she is no longer employed by Hearth Stone Hospital and shall not practice medicine in any other practice setting in the State of Vermont without the approval of the assigned Committee or Board.
12. Applicant agrees to a practice monitor. The practice monitor is Jesper Brickley, D.O. Any change in the practice monitor shall be subject to the approval of the assigned Committee or the Board. Applicant shall get the approval of the assigned Committee or the Board prior to changing her practice monitor.
13. Applicant shall be responsible for ensuring that the practice monitor complies with the terms and obligations of the Practice Monitoring Agreement that shall be signed by both Respondent and the practice monitor. The Practice Monitoring Agreement is attached hereto as "Exhibit A".
14. Applicant shall comply with the terms and obligations of the Practice Monitoring Agreement.
15. The practice monitor shall report his findings in writing to the assigned Committee on a quarterly basis. The practice monitor's first report shall be submitted to the assigned Committee no later than 90 days from Applicant's first day of work at Hearth Stone Health.
16. The practice monitoring shall continue for two (2) years from the date of the approval of this Stipulation and Consent Order. At the end of the two (2) year

monitoring period, Respondent shall submit a written request to the assigned Committee to end the requirement for monitoring. The practice monitoring requirement will not cease until the Committee has approved, in writing, Respondent's request to end the monitoring.

17. Respondent shall provide a copy of this Stipulation and Consent Order to the practice monitor.
18. Respondent shall be solely responsible for all costs associated with the practice monitor. Respondent shall be responsible for ensuring that the practice monitor's reports are timely submitted to the Committee.
19. Applicant agrees that she will have her medical charts completed within 48 hours.
20. Applicant agrees that once she is seeing 7 or more patients per day on 3 or more days per week, she will have a scribe to assist with her medical charts. If Applicant wants to use a remote scribe, she needs to provide the plan in advance to the Committee or the Board for approval.
21. Applicant will consult with her personal physician if there are any medical conditions that may impair her ability to practice in accordance with the standard of care.
22. Applicant agrees that her agreement with the practice monitor shall provide that the practice monitor immediately notify the Board if the Applicant has not completed her medical charts within 48 hours of seeing patients and they do not meet the standard of care. Applicant must also immediately notify the Board if the practice monitor informs her of a belief that the Applicant has not completed her medical charts within 48 hours of seeing patients and they do not meet the standard of care.

23. Applicant agrees to allow a Board member, an investigator for the Board or an Assistant Attorney General to speak with applicant's practice monitor regarding her completion of medical charts and her ability to practice medicine. The agreement with the practice monitor must include Applicant's consent to having the practice monitor speak with a Board representative and the practice monitor's agreement to do so.
24. 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.
25. 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.
26. 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 2 day of November, 2020.

STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

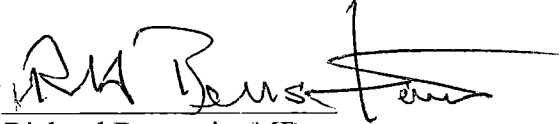
by: Margaret Vincent
MARGARET O. VINCENT
Assistant Attorney General

Dated at Brattleboro, VT, this 2 day of November, 2020.

Alexandra Van Dyck
Alexandra Van Dyck
Applicant

AS TO ALEXANDRA VAN DYCK, MD
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 _____, 2020.

Dated: 11/10/20

PRACTICE MONITORING AGREEMENT EXHIBIT A

Vermont Board of Medical Practice

Alexandra Van Dyck, M.D. Licensing Matter

1. Pursuant to a Stipulation and Consent Order entered into by Dr. Alexandra Van Dyck and the Vermont Board of Medical Practice (“the Board”), Dr. Van Dyck has retained a practice monitor to monitor her medical practice. The purpose of this Practice Monitoring Agreement is to set forth the terms of the practice monitoring component of Dr. Van Dyck’s Stipulation and Consent Order. This Agreement will be signed by the practice monitor approved Committee and Dr. Van Dyck.
2. The practice monitoring shall continue for two (2) years from the date of approval of the Stipulation and Consent Order. At the end of the two (2) year monitoring period, Dr. Van Dyck shall submit a written request to the Committee to end the requirement for monitoring, if she has provided favorable and timely monitoring reports. The practice monitoring requirement will not cease until the Committee has approved, in writing, Dr. Van Dyck’s request to end the monitoring.
3. In the event that the practice monitor can no longer monitor Dr. Van Dyck’s practice, Dr. Van Dyck shall immediately notify the Committee in writing. Dr. Van Dyck shall retain the services of a new practice monitor, subject to preapproval by the Committee. Within thirty (30) days of providing written notice to the Committee that the practice monitor can no longer monitor her practice, Dr. Van Dyck shall provide the Committee with the name and curriculum vitae of the proposed new practice monitor. The Committee will provide written notification to Dr. Van Dyck indicating whether it approves of the new proposed practice monitor.

4. Dr. Van Dyck shall provide the practice monitor with a copy of the fully executed Stipulation and Consent Order.
5. Dr. Van Dyck shall be responsible for ensuring that the practice monitor does the following:
 - a. The practice monitor shall report her findings in writing to the Committee on a quarterly basis. The practice monitor's first report shall be submitted to the Committee no later than ninety (90) days after Dr. Van Dyck's first day of work at Hearth Stone Health.
 - b. For the first three months, the practice monitor shall review the treatment records of all patients of Dr. Van Dyck within 48 hours of Dr. Van Dyck seeing the patient. The practice monitor shall review the records to ensure that the charts are completed within 48 hours and are within the standard of care.
 - c. After three months the practice monitor shall review 8 random charts of Dr. Van Dyck once a month. The practice monitor shall select the 8 patients from a list prepared by Dr. Van Dyck of all patients for whom Dr. Van Dyck provided care. The practice monitor shall review the records to ensure that the charts are completed within 48 hours and are within the standard of care.
 - d. A review of Dr. Van Dyck's charts by the practice monitor may move to quarterly upon Dr. Van Dyck hiring a medical scribe if the medical scribe is used for each patient during the patient's visit. The practice monitor shall review 8 random charts of Dr. Van Dyck. The practice monitor shall select the 8 patients from a list prepared by Dr. Van Dyck of all patients for whom Dr.

Van Dyck provided care. The practice monitor shall review the records to ensure that the charts are completed within 48 hours and are within the standard of care.

- e. The following shall be reviewed by the practice monitor and discussed in the practice monitoring reports; Whether Dr. Van Dyck consistently completed her charts within 48 hours and they met the standard of care. The practice monitor is expected to review any other documents, records, files, logs, etc. that will provide the requisite information needed to prepare written monitoring reports.
 - f. After each quarterly review, Dr. Van Dyck shall meet with the practice monitor to discuss the timeliness of her medical records.
 - g. The quarterly monitoring reports shall include: (1) Specific findings identifying the documents that were reviewed and Dr. Van Dyke has completed all charts within 48 hrs and they meet the standard of care and a comprehensive explanation for such opinion; (2) If applicable, recommended improvements to be made to Dr. Van Dyck's practice. (3) Confirmation of the date and the length of time that the practice monitor met with Dr. Van Dyck to discuss the timeliness of her medical records that were reviewed for each quarterly review.
6. Dr. Van Dyck and the practice monitor agree that the practice monitor shall discuss his observations regarding Dr. Van Dyck's ability to practice upon request by a Board member, investigators for the Board or an Assistant Attorney General.

7. Dr. Van Dyck and the practice monitor agree that the practice monitor will immediately notify the Board if there is any indication that the Applicant is not completing her medical charts within 48 hours or is not using a medical scribe when her patient load is 7 or more patients per day on 3 or more days per week. The practice monitor will immediately notify the Board if Dr. Van Dyck charts indicate that she is not meeting the applicable standards of care.
8. Dr. Van Dyck and the practice monitor agree that they have both read this Agreement in its entirety and agree to all of the terms and obligations set forth herein.
9. Dr. Van Dyck and the practice monitor agree that the terms of this Agreement cannot be amended or modified in any way without written approval of the Committee.

DATED at _____, Vermont, this _____ day of _____, 2020.

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Alexandra Van Dyck, M.D.
Respondent

DATED at _____, Vermont, this _____ day of _____, 2020.

Dr. Jesper Brickley
Practice Monitor