

BOARD OF MEDICAL PRACTICE

In re: Lisa A. Furmanski, M.D.)
) Docket No. MPN 010-0117
)

STIPULATION AND CONSENT ORDER

NOW COME Lisa A. Furmanski, 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. Lisa A. Furmanski, M.D. (“Respondent”) holds Vermont medical license number 042.0011300 originally issued by the Vermont Board of Medical Practice on March 7, 2007.
2. Jurisdiction in this matter rests with the Vermont Board of Medical Practice (“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 the above-captioned matter in February 2017 upon notification from Respondent that her Vermont medical license had lapsed and that she had been seeing some of her Vermont-based geriatric patients in their homes without realizing that her Vermont medical license had not been renewed since November 30, 2012. Respondent’s New Hampshire medical license remained active at all times. The matter was assigned to the North Investigative Committee of the Board (“the Committee”).
4. On January 20, 2017, the Board received a phone call from Respondent notifying the Board that she just learned that her Vermont medical license was

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expired. Respondent advised that she was unaware that her license had expired in 2012, and that she had been seeing some of her Vermont-based patients at their homes in Vermont without a Vermont license since that date.

5. Respondent promptly filed a license reinstatement application with the Board.
6. In April of 2011 Respondent left her practice at Dartmouth Hitchcock Medical Center and began working at Alice Peck Day Hospital, also located in Lebanon, New Hampshire. Respondent forgot to provide the Board with her new contact information and therefore she did not receive either email or mail notifications of license renewal from the Board. Respondent recognizes that it was her responsibility to notify the Board of the change in her contact information.
7. Respondent fully cooperated with the Board's investigation, halting her medical practice in Vermont from January 20, 2017 until her lapsed license was reinstated by the Board on March 1, 2017.
8. Respondent takes full responsibility for her failure to timely renew her license. She has no prior history of disciplinary action by the Board.
9. This Stipulation and Consent Order is in full satisfaction and settlement of the Board's investigation into the lapse of Respondent's Vermont medical license and into her practice of medicine in Vermont without a license from November 31, 2012 through March 1, 2017.

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CONCLUSIONS OF LAW

10. The Board shall find that "failure to comply with provisions of federal or state statutes or rules governing the practice of medicine or surgery" constitutes unprofessional conduct. 26 V.S.A. § 1354(a)(27).
11. Board Rule 4.2 states, in pertinent part: "All physicians are responsible for notifying the Board within 10 days of any change of name or address." Vt. Admin. Code 12-5-200:4.2.
12. Board Rule 3.2 states: "If a license has not been renewed by the required date, it has lapsed. A physician may not legally practice in Vermont after a license has lapsed. The physician must halt the practice of medicine until the license has been reinstated." Vt. Admin. Code 12-5-200:3.2.
13. Section 1314(a) of Title 26 prohibits the practice of medicine without a license. 26 V.S.A. § 1314(a).
14. Therefore, the practice of medicine without a license constitutes a violation of Respondent's professional responsibilities to maintain an active Vermont medical license during all times that she is practicing medicine in Vermont.
15. 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)(27).
16. Respondent agrees that the Board may enter as its facts and/or conclusions paragraphs 1 through 14 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.

17. 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.

18. Respondent acknowledges that she is knowingly and voluntarily agreeing to this Stipulation and Consent Order. She acknowledges that 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.

19. 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.

20. 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.

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21. 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.

22. 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 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.

23. The parties therefore jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Vermont Board of Medical Practice, the Board 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 pay an administrative penalty of two thousand dollars (\$2,000.00) 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 at the following address: David Herlihy, Executive Director, P.O. Box 70, Burlington, VT 05402-0070. The payment shall be due no later than 14 days after this Stipulation and Consent Order is approved by the Board.

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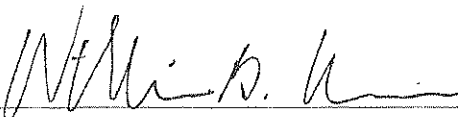
SIGNATURES

DATED at Montpelier, Vermont, this 15th day of May, 2017.

STATE OF VERMONT

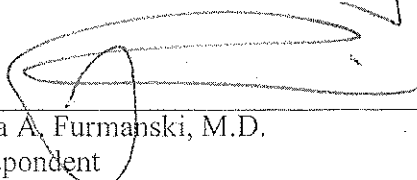
THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By:

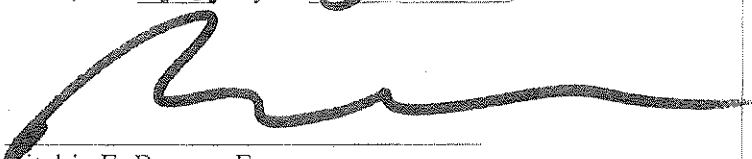


William B. Reynolds
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

DATED at Lebanon, Vermont, this 23rd day of May, 2017.


Lisa A. Furmanski, M.D.
Respondent

DATED at Burlington, Vermont, this 1st day of June, 2017.


Ritchie E. Berger, Esq.
Dinse, Knapp & McAndrew, P.C.
P.O. Box 988
209 Battery Street
Burlington, VT 05402-0988
Counsel for Respondent

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AS TO LISA A. FURMANSKI, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

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Dated: June 7th, 2017

ENTERED AND EFFECTIVE: June 7th, 2017