

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In Re:)
)
Noelle Thabault) MPN 33-0206
)
Respondent)

STIPULATION AND CONSENT ORDER

Now come Noelle Thabault, M.D. (hereinafter "Respondent") and the State of Vermont, by and through Attorney General William H. Sorrell, and stipulate to the following:

1. Respondent is currently licensed to practice medicine in the State of Vermont, holding license number 042-0008587.
2. The Vermont Medical Practice Board (hereinafter "Board") has jurisdiction over this matter pursuant to 26 VSA §§ 1353, 1354 & 1398 and 3 VSA §§ 809.

BACKGROUND

3. On March 30, 2006, the State and Respondent entered into a Voluntary Temporary Partial Cessation of Practice Agreement ("Agreement") in order to address certain aspects of Respondent's clinical needs. The Board approved the Agreement on April 5, 2006.
4. Paragraph 6 of the agreement states that Respondent will continue to limit her scope of practice as agreed "until such time as ... the Board, in its sole discretion, determines Respondent's medical needs have been

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addressed and ... Respondent and the Board fully resolve her practice activities, her treatment and monitoring thereof by the Board.”

5. Paragraph 6 of the Agreement required a Board approved evaluation that Respondent cooperated fully in and the evaluation indicated in the summary that “[o]verall, [Respondent] performed well on nearly all aspects of her two-day assessment.” Respondent was also found to be very receptive to feedback and questions.
6. Paragraph 12 of the Agreement states that Respondent is bound by the terms and conditions of the Agreement “until such time in the future as she may be expressly relieved of these terms and conditions or they are modified, in writing, by the Board.”

STIPULATION OF CONDITIONS

The State agrees that Respondent’s limitations on practice are removed subject to the following conditions and the Respondent agrees to accept these conditions:

7. Within three months of the date of entry of the Board’s order approving this Stipulation and Consent Order, Respondent shall undergo those evaluations deemed necessary by the Board to assure that Respondent’s application of her clinical skills and capabilities is appropriate. The evaluations shall be performed by individuals or entities approved by the Board. Respondent shall ensure that the Board receives a copy of the evaluations within two weeks of its completion.

8. Respondent agrees to follow those recommendations of the evaluations the Board determines necessary to assure that Respondent's application of her clinical skills and capabilities is appropriate.
9. Respondent agrees to engage a monitoring physician, approved by the Board, who shall perform the following duties: (1) Perform pre-operative reviews of all non-emergency in-patient and out-patient surgery; (2) When possible, perform pre-operative reviews of emergency in-patient and out-patient surgery; (3) If pre-operative review of emergency surgeries is not possible Respondent shall ensure that the monitoring physician perform post-operative reviews of emergency surgeries; (4) Meet with Respondent once a month to discuss surgical cases previously reviewed and a sampling of Respondent's cases from previous months covering various medical problems normally encountered and about which Respondent has questions regarding management. Respondent shall ensure that the monitoring physician report to the Board on a quarterly basis regarding Respondent's progress and listing the areas discussed at monthly meetings. The first report by the monitoring physician shall be made three months from the date the Board approves the monitoring physician.
10. Respondent agrees to engage a proctor, approved by the Board, who will provide on-site monitoring of thirty (30) surgeries performed by Respondent. The surgical proctor shall be a physician board-certified in

gynecological surgery. Respondent shall ensure that the surgical proctor will provide to the Board an evaluation of the surgeries observed after the first month of such observations and monthly thereafter until the conclusion of the thirty observed surgeries. The surgical proctor shall report to the Board immediately any concerns the surgical proctor has regarding Respondent's surgical skills.

11. Respondent shall ensure that a physician surgical assistant, approved by the Board, assists Respondent in all surgeries. The surgical proctor shall be the surgical assistant for the thirty observed surgeries described in Paragraph 10. The surgical proctor may be the surgical assistant for remaining surgeries. Upon completion of the reports from the surgical proctor, the Board shall reconsider the requirement that the surgical assistant be a physician.
12. Respondent shall limit to twenty (20) the number of non-emergent patients seen daily.
13. Respondent shall limit to four (4) per day the number of non-emergent surgeries Respondent performs. The term "surgeries" in this stipulation and consent order shall not include in-office procedures performed by Respondent.
14. Respondent agrees to limit her call rotation to once every three days and one weekend per month but Respondent shall average one in every four days as her basic call rotation requirements. Respondent agrees to not

to perform surgery on the days following her call days, except that Respondent may perform surgery on the Saturday and Sunday of her weekend call rotation if such surgery is immediately required.

15. Respondent shall ensure that her treatment providers shall provide summary quarterly reports to the Board regarding Respondent's health and well-being. The first summary quarterly reports from Respondent's treatment providers shall be three months from the date the Board approves this stipulation and consent order.
16. Respondent may petition for relief from or modification of this Stipulation and Consent Order no sooner than two years from the date the Board approves this stipulation and consent order.
17. Respondent agrees to provide copies of this Stipulation and Consent Order to any employer or contractor or partnership involved in Respondent's practice of medicine.
18. Respondent agrees to provide copies of this Stipulation and Consent Order to all Respondent's treatment providers and the monitoring physician/practice mentor.
19. Respondent acknowledges she has been advised by counsel. Respondent agrees and understands that by executing this document she is waiving the necessity of proceedings, findings, and an order by the Board, pursuant to 3 VSA §814(c). Respondent voluntarily and knowingly agrees to the terms and conditions herein.

20. Respondent understands and agrees that the Board may: (a)

communicate freely and without limitation with her treatment providers in order to obtain relevant information, evaluations, and input so that the Board may monitor the Respondent but still respect the privacy of the Respondent; and, (b) obtain and review Respondent's treatment records in their entirety upon request with the exception of psychological or psychiatric treatment records. Respondent agrees that she shall execute such waivers or releases as may be required to permit the Board or its agents to receive such information, whether orally or in writing. Respondent further agrees that the Board may require, in its sole discretion, such additional care or evaluation as it may deem necessary to monitor, assess or support Respondent. Respondent shall bear all costs of her treatment. All such information shall retain its confidential nature even though released to the Board.

21. Respondent shall execute any and all waivers that may be required for the Board, its staff or agents, to review any material related to the assessments, evaluations, or reports regarding her compliance with this Stipulation and Consent Order.

22. Respondent agrees she has read and carefully considered all of the terms and conditions herein and agrees to accept and be bound by them until such time in the future as she may be expressly relieved of them or they are modified, in writing, by the Board. The Board, in its sole

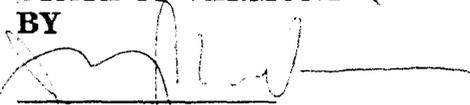
discretion, may consider and approve a petition from Respondent at a later date for modification or relief from these terms and conditions, should the circumstances of Respondent's medical condition or recovery so warrant. Respondent expressly agrees that she shall promptly sign any and all consents and/or waivers of confidentiality that may be required so as to permit full and complete disclosure so as to permit the Board, its staff or agents, to monitor Respondent's ability to practice medicine safely.

23. The parties agree that this Stipulation and Consent Order shall be a public document, shall be made part of the Respondent's licensing file and may be reported to other licensing authorities including, but not limited to, the National Practitioner Data Base and the Federation of State Medical Boards.
24. 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 agreement, the entire agreement shall be considered void. The parties agree and request that the Board enter an order adopting the terms and conditions set forth herein. Respondent agrees that the Board shall retain jurisdiction to enforce as necessary the terms and conditions herein, pursuant to 26 V.S.A. §1354 (25), or other statutory authority.

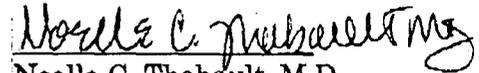
25. Respondent agrees that when the Stipulation and Consent Order is approved by the Board, the Stipulation and Consent Order is an Order of the Board pursuant to 25 V.S.A. §1354 (25) and any failure of Respondent to adhere to the conditions of this Stipulation and Consent Order shall be grounds for charges of unprofessional conduct.

Dated at Burlington, Vermont this 6th day of Sept, 2006.

**WILLIAM SORRELL
ATTORNEY GENERAL
STATE OF VERMONT
BY**


Joseph L. Winn
Assistant Attorney General

Dated at _____, Vermont this ____ day of ____, 2006.


Noelle C. Thabault, M.D.
Respondent

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FOREGOING, AS TO NOELLE C. THABAULT, M.D.,
APPROVED AND ORDERED, VERMONT BOARD
OF MEDICAL PRACTICE:

John F. Murray MD

Thomas Gray

Margaret Funk Martin

[Signature]

Noelle C. Thabault
[Signature]
[Signature]
[Signature]

DATED: 9/6/2006

ENTERED & EFFECTIVE: September 6, 2006

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