

**STATE OF VERMONT  
BOARD OF MEDICAL PRACTICE**

In re: Pierre A. Delfausse, PA-C                    )  
  )     Docket No. MPN 35-0311  
  )

**STIPULATION AND CONSENT ORDER**

NOW COME the State of Vermont, by and through Attorney General William H. Sorrell and the undersigned, Assistant Attorney General, Kurt A. Kuehl, and Pierre A. Delfausse, PA-C and stipulate and agree as follows:

1. Pierre A. Delfausse, PA-C (“Respondent”) holds certification from the National Commission on Certification of Physicians Assistants (No. 1055070), with his initial certification granted on or about December 20, 2002.
2. Respondent holds Vermont certification as a physician assistant (PA-C), No. 055-0031014. This certification is currently inactive per the request of Respondent.
3. Jurisdiction in these matters vests with the Vermont Board of Medical Practice (“Board”), pursuant to 26 V.S.A. §§ 1353-61, 1733-39, 3 V.S.A. §§ 809-814, and other authority.

**I. Findings of fact**

4. On December 2, 2009, the Board entered a Stipulation and Consent Order (“Order”) in the matter of In re: Pierre A. Delfausse, PA-C, docket number 60-0609.

5. The Order provides, in part, that Respondent shall participate fully and in good faith in care and treatment under the auspices of the

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Vermont Practitioner Health Program (“VPH”) or a similar entity, subject to the approval or disapproval of the Board.

6. Respondent entered into a Monitoring Contract with the VPH that became effective on November 23, 2009 and was scheduled to terminate on November 23, 2014. The Board approved the Monitoring Contract as satisfying the care and treatment requirement of the Order.

7. On March 11, 2011, Respondent was cited for driving under the influence, second offense in violation of 23 V.S.A. § 1201(a)(2). Respondent pleaded guilty and was sentenced on October 7, 2011.

8. On June 22, 2011, the VPH notified the Board that it had extended the term of Respondent’s Monitoring Contract until June 10, 2016.

9. No specification of charges has been filed by the State in this matter. Respondent has cooperated with the Board during its investigation.

## **II. Conclusions of law**

10. The Board may find that “conduct which evidences unfitness to practice in the profession” constitutes unprofessional conduct. 26 V.S.A. § 1736(a)(6).

11. Consistent with Respondent’s cooperation with the Board, he agrees that if the State were to file charges against him it could satisfy its burden at a hearing and a finding adverse to him could be entered by the Board, pursuant to 26 V.S.A. § 1736(a)(6).

12. Respondent agrees that the Board may enter as its facts and/or

conclusions in this matter Paragraphs 1 through 9, 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.

13. Therefore, in the interest of Respondent's desire to fully and finally resolve the matter presently before the Board, he has determined that he 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, he has concluded that this agreement is acceptable and in the best interest of the parties.

14. Respondent acknowledges that he is knowingly and voluntarily agreeing to this Stipulation and Consent Order. He acknowledges that he has had the advice of counsel regarding this matter and in reviewing this Stipulation and Consent Order. Respondent is fully satisfied with the legal representation he has received in this matter.

15. Respondent agrees and understands that by executing this document he 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 his own to contest any allegations by the State.

16. The Board and Respondent 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 and except as otherwise provided herein.

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, he 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 his 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, the National Practitioner Data Bank, and the Healthcare Integrity and Protection Data Bank.

19. 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.

20. 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.

### **III. Order**

WHEREFORE, based on the foregoing Findings of Fact, Conclusions of Law, and the consent of Respondent, it is hereby ORDERED that:

a. Respondent shall be publicly REPRIMANDED for the conduct set forth above;

b. Respondent shall comply fully and in good faith with the terms and conditions of this Stipulation and Consent Order, the Stipulation and Consent Orders entered in Vermont Board of Medical Practice docket number MPN 60-0609, and his Monitoring Contract with the Vermont Practitioner's Health Program;

c. Paragraph 17 of the Stipulation and Consent Order entered on December 2, 2009 is amended to provide:

17. Respondent's physician assistant license in the State of Vermont shall be designated as CONDITIONED until June 10, 2016. Respondent's Vermont physician assistant license shall be so designated until such time as the Board of Medical Practice has removed all terms and conditions upon his license.

d. Respondent shall appear at the meeting of the Vermont Board of Medical Practice's North Investigative Committee in May 2012 at a date and time to be provided by the Board;

e. Respondent shall appear at meetings of the Vermont Board of Medical Practice's North Investigative Committee, upon its request, during the terms of this Stipulation and Consent Order, the Stipulation and Consent Order entered in Vermont Board of Medical Practice docket number MPN 60-0609, and his Monitoring Contract with the Vermont Practitioner's Health Program; and

f. Respondent's certification shall be suspended for at least three (3) years for any subsequent violation of or failure to comply with the terms and conditions of this Stipulation and Consent Order, the Stipulation and Consent Order entered in Vermont Board of Medical Practice docket number MPN 60-0609, and his Monitoring Contract with the Vermont Practitioner's Health Program

Dated at Montpelier, Vermont, this 3<sup>rd</sup> day of May, 2012.

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

by:

  
KURT A. KUEHL  
Assistant Attorney General

Office of the  
ATTORNEY  
GENERAL  
109 State Street  
Montpelier, VT  
05609

Dated at Burlington, Vermont, this 17 day of May, 2012.



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PIERRE A. DELFAUSSE, PA-C  
Respondent

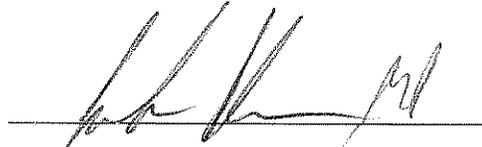
Dated at Burlington, Vermont, this 22 day of ~~January~~<sup>May</sup>, 2012.

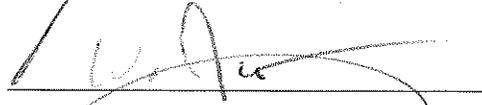


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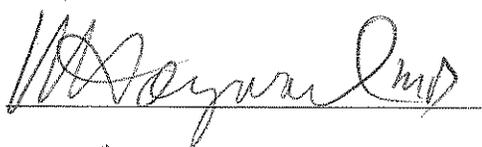
RITCHIE E. BERGER, ESQ.  
Counsel for Respondent

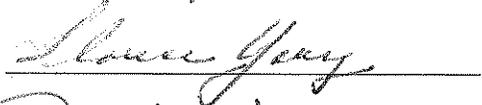
AS TO PIERRE A. DELFAUSSE PA-C  
APPROVED AND ORDERED  
VERMONT BOARD OF MEDICAL PRACTICE

  
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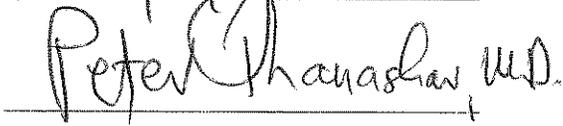
  
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DATED: June 6, 2012

ENTERED AND EFFECTIVE: June 6, 2012

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