

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In re: Alan Edward Bonsteel, M.D.)
) Docket No. MPN 145-0513
)

STIPULATION AND CONSENT ORDER

NOW COME Alan Edward Bonsteel, M.D., and the State of Vermont, by and through Vermont Attorney General William H. Sorrell, and hereby stipulate and agree to the following in the above-captioned matter:

1. Alan Edward Bonsteel (“Respondent”) holds Vermont medical license number 042-0012135, originally issued on February 2, 2011.
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 May 2013 based upon information it received concerning Respondent. The matter was assigned to the North Investigative Committee (“the Committee”) of the Board.
4. The Committee’s investigation revealed that Respondent was disciplined by the Medical Board of California (“California Board”). Respondent entered into a stipulated settlement with the California Board. The settlement was adopted by the California Board on May 7, 2013. The effective date of the California Board Order is June 6, 2013.
5. The basis for the California Board action concerned: (1) Respondent’s gross negligence in failing to refer a patient to a physician authorized to treat drug addiction

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in an approved drug treatment center; (2) Respondent's prescribing of Methadone to a drug addicted patient; and (3) Respondent's failure to maintain adequate medical records.

6. As a result of the California Board Order, Respondent's license to practice medicine in California was revoked, however, the revocation was stayed and Respondent was placed on probation for five years under specific terms and conditions relating to his practice of medicine.

CONCLUSIONS OF LAW

7. The Board may find that "revocation of a license to practice medicine or surgery in another jurisdiction on one or more of the grounds specified in this section" constitutes unprofessional conduct. 26 V.S.A. § 1354(a)(23).
8. The Board may find "that failure to practice competently by reason of any cause on a single occasion or on multiple occasions constitutes unprofessional conduct." 26 V.S.A. § 1354(b). And "[f]ailure to practice competently includes, as determined by the board (1) performance of unsafe or unacceptable patient care; or (2) failure to conform to the essential standards of acceptable and prevailing practice." *Id.* § 1354(b)(1) and (2).
9. It is unacceptable medical practice and unprofessional conduct for a licensee to improperly prescribe controlled substances. Such conduct may constitute unsafe or unacceptable patient care and the failure to conform to the essential standards of acceptable and prevailing practice in violation of 26 V.S.A. §§ 1354(b)(1) and (2).
10. A failure to keep accurate and complete medical records does not conform to the essential standards of acceptable and prevailing practice.

11. Respondent acknowledges that it is the Board's position 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. § 1354(a)(23) and 26 V.S.A. § 1354(b)(1) and (2).
12. In this matter, Respondent admits all facts set forth in paragraphs 1 through 6, above, and agrees that the Board may enter as its facts and/or conclusions paragraphs 1 through 6 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. Respondent acknowledges that he is knowingly and voluntarily agreeing to this Stipulation and Consent Order with the Board. He acknowledges and agrees that at all times and in all communications and proceedings related to this matter before the Board he has had the right to be represented and advised by counsel. Respondent has carefully reviewed and considered this Stipulation and Consent Order.
14. 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.
15. 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.

16. 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.
17. 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. 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.
18. 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:

- a. Respondent's license to practice medicine in Vermont shall be **CONDITIONED** for a period of five years beginning on June 6, 2013 subject to the terms set forth below;
- b. Respondent shall maintain proper records for all controlled substances ordered, prescribed, dispensed, administered, or possessed by Respondent. All records shall be available for immediate review and copying by the Board upon request;
- c. Respondent shall attend and successfully complete the following four (4) continuing medical education ("CME") classes within sixty days of the approval of this stipulation by the Board. The subjects of the classes shall be (1) prescribing practices; (2) medical record keeping; (3) professionalism; and (4) clinical training. Respondent is encouraged to submit the names of CME classes which he proposes to attend to the North Committee to ensure that the classes meets the expectations of the Board. Following the completion of the CME courses listed, Respondent shall provide written proof of attendance, along with a written summary of the class and what he learned. The written summary shall also describe any changes he intends to implement in his professional practice as a result of what he has learned. The written summaries and proofs of attendance shall be submitted to the North Investigative Committee for review. Respondent may submit proof of attendance and summaries for classes he completed in the above areas under the terms of his California Board Order. A determination as to

whether any California Board Order classes will be accepted in satisfaction of the requirements of this Vermont Order shall be left to the sole discretion of the North Investigative Committee;

- d. Respondent shall be prohibited from engaging in the solo practice of medicine, including, but not limited to, instances where: (1) Respondent merely shares office space with another physician but is not affiliated for purposes of providing patient care, or (2) Respondent is the sole physician practitioner at that location. Nothing in this prohibition on solo practice shall prohibit Respondent from working in a satellite clinic with supervision from the group medical director via telephone and chart review, provided that the North Investigative Committee has approved the supervisor in advance of Respondent's employment at the satellite clinic;
- e. Respondent shall make any prospective or actual Vermont employer aware of all terms of the California Board Order and all terms of this Vermont Stipulation and Consent Order by providing copies of the same to the Chief of Staff or the Chief Executive Officer at any hospital or facility where Respondent engages in the practice of medicine; and
- f. Respondent may not be permitted to request early discharge from the terms and conditions of this Stipulation and Consent Order for a period of at least two years, beginning on June 6, 2013, or for a period of one year after he has been employed in the State of Vermont. Respondent must be able to demonstrate his start date of employment in the State of Vermont in order to apply in one year following commencement of said employment.

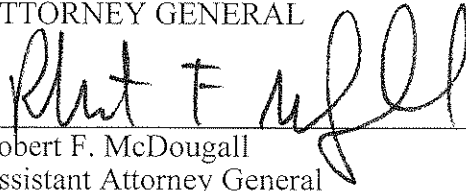
SIGNATURES

DATED at Montpelier, Vermont, this 21st day of November, 2013.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By:


Robert F. McDougall
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609

DATED at _____, _____, this _____ day of _____,
2013.

Alan Edward Bonsteel, M.D.

Respondent

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SIGNATURES

DATED at Montpelier, Vermont, this ____ day of _____, 2013.

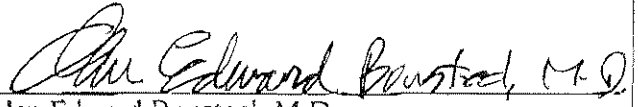
STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By:

Robert F. McDougall
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609

DATED at SAN RAFAEL, CALIF., this 20 day of NOV. 2013
2013.

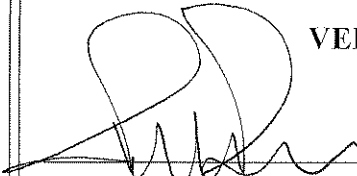

Alan Edward Bonsteel, M.D.

Respondent

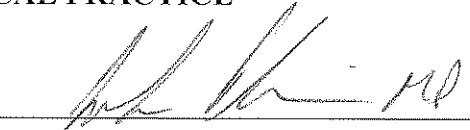
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AS TO ALAN EDWARD BONSTEEL, M.D.


APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE



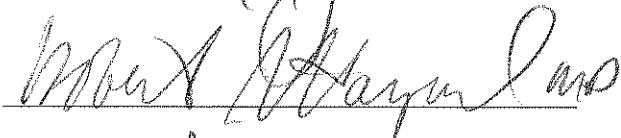
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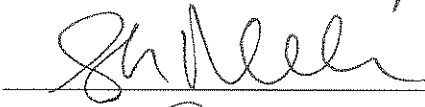
Patterson



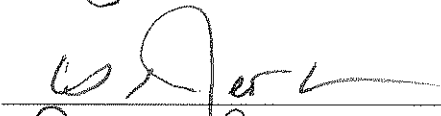
David G. F. H.



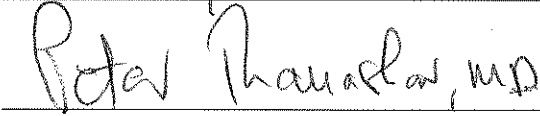
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Sh. H. H.



W. H. H.



Peter H. H., MD

Dated: December 4, 2013

ENTERED AND EFFECTIVE: December 4, 2013

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