

6. At the time of the patient's admission, Respondent saw and examined the patient, went over her history, surgery and medications and wrote orders for her care, including medications.

7. Sometime in the evening, Respondent received a telephone call from the patient's nurse at the nursing home telling him that she had discovered that the patient had been on Dilantin while hospitalized but it had erroneously been omitted from her nursing home orders. Respondent was concerned that he'd indeed omitted ordering an important medication, as Dilantin, an anti-seizure medication, is frequently prescribed after brain surgery.

8. Respondent told the nurse to write a telephone order for Dilantin.

9. The nurse inquired of Respondent what dosage the patient should be placed on, and Responded advised her to inquire of the referring hospital what dosage she had been on and start her on that.

10. The nurse later wrote down as a telephone order a dose of Dilantin for the patient and the patient was started on that dose; it is not clear from whom she obtained the dosing information but she did not call the Respondent back to discuss the amount with him.

11. The next time the Respondent was at the nursing home signing telephone orders, on May 26, he had a lot of them to sign; one of them was the telephone order of May 10, 2012 for the Dilantin.

12. The Respondent signed the order without noting that the dosage was larger than he was accustomed to prescribing. Had the Respondent noticed the dosage he would

have called the patient's referring hospital or her inpatient attending to determine if the non-standard dose was intentional or a mistake.

13. On the same day that the Respondent signed the telephone order, the patient was transferred out of the nursing home to a hospital.

14. At the hospital the patient was found to have an excessive Dilantin level which was eventually corrected by adjustment of the dose.

CONCLUSIONS OF LAW

15. 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).

16. The Respondent agrees that the Board might determine that failure to confirm a dose of Dilantin with a nurse calling for a telephone order constitutes a failure to practice competently and is therefore unprofessional conduct.

17. Respondent agrees that the Board might determine that a failure to carefully review and sign telephone orders more frequently than 16 days after being issued constitutes a failure to practice competently and is therefore unprofessional conduct.

18. Respondent agrees that if the State were to file charges against him based on the above cited facts, 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(b).

19. Respondent agrees that the Board may enter as its facts and/or conclusions paragraphs one through 1-18 above, and further agrees that these are an adequate basis for the Board actions set forth herein. Any representation by Respondent herein is made solely for the purpose set forth in this agreement and Respondent specifically does not

concede, by virtue of agreeing to enter into this Stipulation and Consent Order and abide by its terms, that he failed to practice competently or conducted himself incompetently.

20. 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 this Stipulation and Consent Order with the Board. Respondent enters no admission here, but in order to resolve this matter without further time, expense and uncertainty, he agrees that this resolution is acceptable and in the best interest of the parties.

21. Respondent acknowledges that he is voluntarily agreeing to this Stipulation and Consent Order. He acknowledges that he has had advice of counsel regarding this matter and in the review of this document.

22. 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 offer evidence of his own to contest the State's allegations.

23. 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.

24. This Stipulation and Consent Order is conditioned upon its acceptance by the Board. If the Board rejects any part of this document, the entire agreement will 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 document, 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 in any future disciplinary proceeding and the Board's final determination of any charge against Respondent.

25. 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.

26. 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.

27. The parties 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 upon the foregoing Finding of Fact, Conclusions of Law, and the consent of Respondent, it is hereby ORDERED that:


a. Respondent will hereafter review and sign all telephone orders made by him to a nursing home where he sees patients within ten (10) days of their being issued. This provision applies whether the order is for a new medication or is merely an alteration of the dose of an on-going medication.

- b. Before signing of any such telephone orders, Respondent will substantively review all such orders to make sure that they are in accordance with the patient's needs and contain what was orally transmitted by telephone.
- c. In making any telephone order to a nursing home, the precise dosage will be discussed between Respondent and the nurse or other on-premises provider and agreed upon before the order will be executed.
- d. Respondent shall pay an administrative penalty of \$1,000.00 to the Board within thirty days of the entry of this Order.
- e. Respondent is hereby reprimanded for the conduct set forth herein.

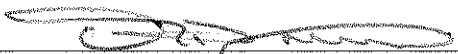
Dated at Montpelier, Vermont, this 23rd day of September, 2013.

STATE OF VERMONT

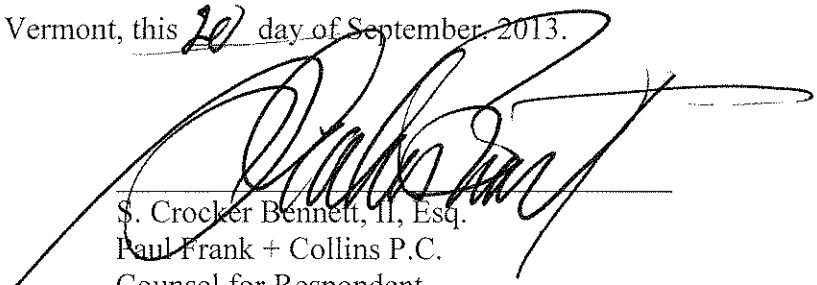
WILLIAM H. SORRELL
ATTORNEY GENERAL

by: 
Kurt A. Kuehl
Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001

Dated at Fairfax, Vermont, this 16th day of September, 2013.


TEIG D. MARCO, M.D.
Respondent

Dated at Burlington, Vermont, this 20 day of September, 2013.



S. Crocker Bennett, II, Esq.
Paul Frank + Collins P.C.
Counsel for Respondent

AS TO TEIG D. MARCO, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

W. J. Baker

Peter A. King MD PhD

Paul Henry
Mark [unclear]

W. J. Baker MD

Dr. M. [unclear]

Dr. R. [unclear]

[unclear]

[unclear]

DATED: October 2, 2013

ENTERED AND EFFECTIVE: October 2, 2013