

Agreement with the Board sets forth in writing the terms for such cessation of medical practice by him.

5. Respondent acknowledges that he has been offered the opportunity to obtain and receive legal advice and counsel regarding this matter. Respondent agrees and understands that by executing this Agreement he is waiving at this time such rights as he may possess to challenge the jurisdiction and continuing jurisdiction of the Board in this matter, and to a public hearing on any motion that the State might have filed pursuant to 3 V.S.A. §§ 809 & 814. He agrees and fully understands that by executing this document he is waiving the necessity of any proceedings, findings and order by the Board, pursuant to 3 V.S.A. § 814(c), so as to achieve disposition of this matter. Thus, Respondent voluntarily and knowingly agrees to the terms and conditions therein.
6. Respondent has indicated his desire to continue to cooperate fully with the Board. Thus, the parties have agreed to enter into the instant Agreement, which is intended to serve as an interim means of affording Respondent the best possible opportunity to focus upon his personal and medical needs while providing for the protection of the health and welfare of his patients.

Cessation of Practice

7. It is agreed by the parties that Respondent shall cease and desist immediately and hereafter, following his execution of this Agreement, from any and all practice of medicine in the State of Vermont.
8. Respondent shall neither prescribe nor dispense any drugs to patients, associates, himself, family matters or others after execution of this Agreement.

9. On February 19, 2015, Respondent executed and submitted a Voluntary Surrender of Controlled Substances Privileges document with the U.S. Drug Enforcement Agency (“DEA”). Respondent acknowledges that by executing this document, he agreed to voluntarily surrender his Drug Enforcement Certification of Registration, unused order forms, and all of his controlled substances listed in Schedules II through V. He further acknowledges that execution and submission of this document to the DEA resulted in the immediate termination of his registration.
10. Respondent agrees that the Board, in its sole discretion, may consider and approve a petition from Respondent at a later date for modification or relief, when the circumstances of Respondent’s medical or personal needs so warrant. Respondent expressly agrees that he will provide his full cooperation at all times with Board investigation and review in this regard.

Express Provisions

11. Respondent agrees, pending further proceedings or order of the Board to:
 - a. Cooperate fully and in good faith with all further investigations of these matters by the Board;
 - b. Sign such authorizations and/or waivers of confidentiality as may be presented to him by the Board as to his medical records, treatment records, evaluations or assessments, legal matters, and court proceedings;
 - c. Cease and desist, effective immediately, pursuant to this order of the Board, from any and all practice of medicine, including any and all prescribing of any kind for patients, associates, himself, family members or others; office visits; consultations; examinations; treatment; and surgery; and

- d. Adhere to all terms and conditions set forth above and herein until relieved of such obligation by further order of the Board.

General Provisions

12. Respondent assures and agrees that he shall provide his continued cooperation with the Board and its investigators. Respondent agrees that he shall execute any and all waivers that may be required for the Board, its staff or agents to conduct its investigation and review of circumstances. Respondent also agrees that the Board or its agents may communicate orally to obtain information from practitioners involved in his care and treatment.
13. Respondent recognizes the Board's obligation in all cases to investigate as required and to act expeditiously to protect the public health, safety and welfare. Respondent makes no statement or admission here other than to assure his continued cooperation with the Board and its statutory responsibilities. Respondent acknowledges that no promises have been made to him regarding the final disposition of any matter or other action of the Board.
14. Respondent agrees that he has read and carefully considered all terms and conditions herein and agrees that these may be adopted as an enforceable order of the Board, pursuant to 3 V.S.A. §§ 129(a)(3), 809(d) and 26 V.S.A. §1353, and agrees to accept and be bound by these until such time as he may be expressly relieved of these or they are modified, in writing, by the Board.
15. The parties agree that this Agreement does not constitute disciplinary action. However, the parties acknowledge that this Agreement shall be a public document, shall be made part of Respondent's licensing file, and may be reported to other

licensing authorities. Respondent's license status will be changed to "Cessation of Practice" upon approval by the Board.

16. This Cessation of Practice Agreement is subject to review and acceptance by the Vermont Board of Medical Practice, and shall not become fully and finally effective until presented to and approved by the Board. However, this in no way limits Respondent's obligation to cease and desist from the practice of medicine as stated in Paragraph 7 above. If the Board rejects any part of this Agreement, the entire Agreement shall be void. The parties agree and request that the Board enter a binding order adopting the terms and conditions set forth herein.
17. Respondent agrees that the Board shall retain jurisdiction in this matter and may enforce as necessary the terms set forth herein, pursuant to 26 V.S.A. §1354(25) or other statutory provisions.

SIGNATURES

DATED at Montpelier, Vermont, this 20th day of February, 2015.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: Kassandra P. Diederich
Kassandra P. Diederich
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609

DATED at Burlington Vermont, this 23 day of February, 2015.

Philip P. Fabulsky
Philip P. Fabulsky, M.D.
Respondent

DATED at Burlington Vermont, this 3 day of March, 2015.

Ritchie Berger
Ritchie Berger, Esquire
Dinse, Knapp & McAndrew, P.C.
209 Battery Street
Burlington, VT 05402-0988
Counsel for Respondent

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

SIGNATURES

DATED at Montpelier, Vermont, this 20th day of February, 2015.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: Kassandra P. Diederich

Kassandra P. Diederich
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609

DATED at _____, Vermont, this ___ day of _____, 2015.

Philip P. Trabulsky, M.D.

Respondent

DATED at _____, Vermont, this ___ day of _____, 2015.

Ritchie Berger, Esquire
Dinse, Knapp & McAndrew, P.C.
209 Battery Street
Burlington, VT 05402-0988
Counsel for Respondent

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

AS TO PHILIP P. TRABULSY, M.D.

APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

FC M Dc

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DATED: March 4th, 2015

ENTERED AND EFFECTIVE: March 4th, 2015

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