

7. It is the Committee's view that Dr. Galante failed to conform to the Standard of Care when she removed a portion of only one tube during a post-partum tubal ligation. After Pathology report demonstrated no tubal tissue identified in tubal specimen sent, Dr. Galante notified the patient of the situation.

8. It is the Committee's view that Dr. Galante inadvertently perforated a patient's uterus while performing a Hysteroscopy, D&C procedure with said perforation noted after the procedure.

9. The Board's investigation found that in the course of Respondent's practice, she did not practice competently by failing to conform to the essential standards of acceptable and prevailing practice.

CONCLUSIONS OF LAW

10. 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 ... (2) failure to conform to the essential standards of acceptable and prevailing practice." *Id.* § 1354(b)(2).

11. Respondent acknowledges that it is the Board's position that if the State were to file charges against her, it could satisfy its burden at a hearing and a finding adverse to her could be entered by the Board, pursuant to 26 V.S.A. § 1354(b)(2).

12. In this matter, Respondent admits all facts set forth in paragraphs 1 through 9, above, and agrees that the Board may enter as its facts and/or conclusions paragraphs 1 through 9, 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 she is knowingly and voluntarily agreeing to this Stipulation and Consent Order with the Board. She acknowledges she has had the advice of counsel regarding these matters and in the review of this Stipulation and Consent Order. Respondent is fully satisfied with the legal representation she has received in these matters.

14. Respondent agrees and understands that by executing this document she 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 her 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, she 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, 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 her 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, and the National Practitioner 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 henceforth **CONDITIONED** such that Respondent shall not perform independent surgical procedures, including C-section, vacuum assisted and forceps obstetrical deliveries, except that:
 - b. Respondent will be entitled to assist with surgical procedures, provided she has given the surgeon she is assisting a copy of this Stipulation and Consent Order, and
 - c. Respondent will be entitled to independently perform the procedures specified in Appendix A, attached.
 - d. Respondent shall share a copy of this Stipulation and Consent Order with the Chief Medical Officer at any practice location where she is employed or has privileges.

e. Respondent may perform spontaneous vaginal deliveries when immediate obstetrical backup is available, similar to the backup required for a midwife or a family physician, and in a practice site approved in advance by the Committee.

So ordered.

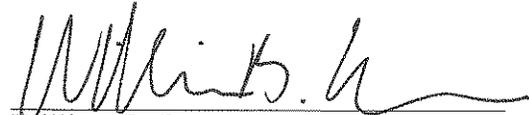
SIGNATURES

DATED at Montpelier, Vermont, this 4th day of January, 2017

STATE OF VERMONT

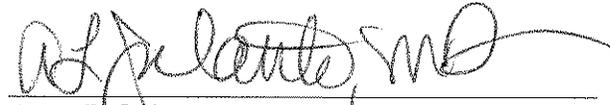
WILLIAM H. SORRELL
ATTORNEY GENERAL

By:



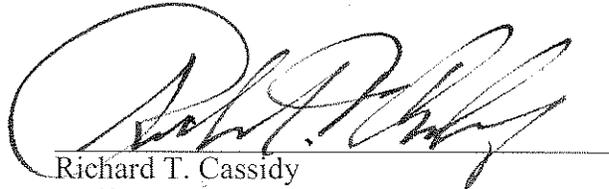
William B. Reynolds
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609

DATED at Newfane VT, Vermont, this 2nd day of Jan, 2017



Anne L. Galante, M.D.
Respondent

DATED at Barre, Vermont, this 20th day of Dec, 2016.



Richard T. Cassidy
Hoff Curtis
100 Main Street, PO Box 1124
Burlington, VT 05402-1124

Counsel for Respondent

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

APPENDIX A - APPROVED PROCEDURES

Evaluation/Treatment of Abnormal Pap Smears including #AGCUS

- *Cryotherapy
- *Colposcopy with or without biopsies, with or without #Endocervical curettage
- *Loop Electrosurgical Excision Procedure (LEEP)
- *Endocervical Curettage#
- *Endometrial Biopsy#

Work up of Abnormal Uterine Bleeding

- *SonoHysterogram
- *Endometrial Biopsy
- *Diagnostic hysteroscopy with or without curettage, directed biopsy

Evaluation of Abnormal Skin Lesions

- *Punch, Shave, Excision biopsy, Removal

Contraception Services

- *IUD insertion
- *IUD retrieval
- *Nexplanon Insertion
- *Transcervical tubal sterilization

Amniocentesis

Bartholin Gland abscess incision & drainage, marsupilization

Breast cyst Fine Needle Aspiration

Cervical block

Cervical cautery

Cervical cerclage removal

Cervical dilation

Cervical Polypectomy

Endometrial ablation & cryoablation

Hymenotomy

Sebaceous cyst incision & drainage

Laceration repair

Laminaria placement

Lidocaine injection

Lipoma excision

Pelvic ultrasound

Urodynamics

Uterine insemination

Vacuum ("Rocket") Aspiration/Evacuation incomplete abortion (miscarriage)

AS TO ANNE L. GALANTE, M.D.

APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

Porter

Rey
DiDomenico

Michael

Van Poy

W. Lee

Alan

David

W. Hill

W. Hill

Dated: January 7th, 2017

ENTERED AND EFFECTIVE: January 7th, 2017

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