

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: Jean Marie Prunty, M.D.

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Docket No. MPS 91-1099

AMENDMENT TO STIPULATION AND CONSENT ORDER

NOW COME Jean Marie Prunty, M.D. (Respondent), and the State of Vermont, by and through Attorney General William H. Sorrell, and agree and stipulate as follows:

1. Jean Marie Prunty, M.D., Respondent, holds Vermont Medical License Number 042-0008373 which was issued by the Board of Medical Practice (Board) on July 18, 1991. Respondent's medical license is **CONDITIONED**, by Stipulation and Consent Order, approved by the Board of Medical Practice, entered and effective on March 17, 2000.

2. Jurisdiction vests with the Vermont Board of Medical Practice (Board) pursuant to 26 V.S.A. §§ 1353, 1354, & 1398 and 3 V.S.A. §§ 129, 129a, 809, & 814(c).

I. Background.

3. By the Stipulation and Consent Order, dated March 17, 2000, Respondent, *inter alia*, admitted that she suffered from addiction to controlled substances. Respondent fully cooperated with the Board's investigation of the circumstances. Respondent voluntarily and immediately agreed to suspension of her license to practice medicine during the Board's investigation, review of the facts, and evaluation of whether she could practice medicine safely.

4. By the terms of the Stipulation and Consent Order of March 17, 2000 Respondent agreed to mandatory monitoring of her practice activities and to a comprehensive

plan of personal recovery. Such terms included, *inter alia*, “collection and testing [of urine samples] at least twice a week.” Each such sample collection was required to be random and to be directly observed. Favorably, no adverse test results have been reported. Respondent’s recovery efforts appear to have been pursued with reasonable and sustained progress.

5. Pursuant to the terms of the March 17, 2000 Stipulation, Respondent now has requested a decrease in the required frequency of urine collection and testing. The Board investigative committee assigned to this matter has determined following review that it is appropriate to recommend changes in the terms of Respondent’s Stipulation and Consent Order as to the collection and testing of urine or other samples, as Respondent has requested.

II. Terms of Amendment.

6. The parties agree that the terms and conditions of the March 17, 2000 Stipulation and Consent Order may be amended as follows: the first sentence of Paragraph 18 shall be revised to provide “for collection and testing at least once a week.” The third sentence of Paragraph 18 shall be revised to substitute the words “may be directly observed” for the words “shall be directly observed.” Such changes will permit a decrease in the current frequency and manner of sample collection, subject to possible reversion to the original terms and conditions of the Stipulation and Consent Order, in the sole discretion of the Board.

7. The parties also agree that the following sentence shall be added as the final sentence of Paragraph 18 of the March 17, 2000 Stipulation and Consent Order, “The Board, in its sole discretion, from time to time, may direct that one or more additional sample

collections be carried out on a random basis within a single month, in addition to those included in the minimum weekly collection requirement.”

8. Respondent acknowledges that she is voluntarily and knowingly agreeing to this amendment of her present Stipulation and Consent Order with the Board. Respondent has had the opportunity to be represented by counsel and to obtain advice of counsel as to this agreement.

III. Terms as to Implementation.

9. Respondent agrees that by executing this Stipulation and Consent Order that the Board of Medical Practice may enter an order amending the Stipulation and Consent Order of March 17, 2000, as described in Paragraphs 6 and 7, above. The parties agree that this amendment to the Stipulation and Consent Order shall be a public document, will be made part of Respondent's licensing file, and may be reported to other licensing authorities.

10. This Stipulation and Consent Order is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until March 17, 2002, following presentation to and approval by the Board. If the Board rejects any part of this Stipulation and Consent Order, the instant agreement shall be considered void. However, should the terms and conditions of this Stipulation and Consent Order be deemed acceptable to the Board, the parties request that the Board enter an order amending Respondent's Stipulation and Consent Order, as described above, and that Respondent's medical license be subject to the amended terms and conditions as set forth herein.

11. Respondent agrees to continue to be bound by all terms and conditions of the Stipulation and Consent Order of March 17, 2000, as amended. Respondent agrees that the Board of Medical Practice shall retain jurisdiction to enforce all terms and conditions of such amended Stipulation and Consent Order. Respondent expressly agrees that any failure by her to comply with the terms of the amended Stipulation and Consent Order, specifically including, but not limited to its reporting requirements, pre-approval requirements, and the provisions of Exhibit B, attached thereto, shall constitute unprofessional conduct under 26 V.S.A. §1354(25) and shall subject Respondent to such disciplinary action as the Board may deem appropriate.

Dated at Montpelier, Vermont, this 27th day of February, 2002

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

by: James S. Arisman

JAMES S. ARISMAN
Assistant Attorney General

Dated at Montpelier, Vermont, this 27 day of February, 2002

Jean Marie Prunty
JEAN MARIE PRUNTY, M.D.
Respondent

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

FOREGOING, AS TO JEAN MARIE PRUNTY, M.D.,
APPROVED AND ORDERED, VERMONT BOARD
OF MEDICAL PRACTICE:

Jess C. Elvers 3/6/02
Katherine M. Reedy 3/6/02
Margaret Belmont MD 3/6/02
R. A. [unclear] MD 3/6/02
Shelby A. [unclear] MD, JD

DATED: MARCH 6, 2002

ENTERED AND EFFECTIVE: MARCH 18, 2002
NOT EFFECTIVE BEFORE MARCH 17, 2002

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