

**STATE OF VERMONT
BOARD OF CHIROPRACTIC**

IN RE:	)	
Pamela A. Halton	)	Docket No. 2010-705
License No: 006-0001168	)	

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Gregg Meyer, and Respondent, Pamela A. Halton, D.C., who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Chiropractic has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Chiropractic Physicians pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§521, 527, 529, 541 and; the Board of Chiropractic Laws and Rules ("BCLR"); and the Office of Professional Regulation's (OPR) Rules.

Facts

2. Respondent Pamela A. Halton is a licensed chiropractor in the State of Vermont holding license number 006-1168. Said license was first granted on 2/7/2006 and currently set to expire on 9/30/2012.
3. On December 9, 2010, OPR received a complaint from C.G. concerning Respondent's failure to produce records.
4. The OPR investigation revealed that:
 - a. On June 29, 2010, a letter from the Complainant's representatives – the Law Offices of Collins, McMahon & Harris - was sent to Respondent requesting copies of all medical records, treatment notes, and radiology reports from the first date of treatment to the present along with all medical bills.
 - b. Respondent failed to respond to the request and a second letter was sent to her requesting the records on September 20, 2010.
 - c. Respondent failed to respond to the second request so on October 13, 2010, a third letter was sent to Respondent.

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- d. On November 1, 2010, Respondent sent C.G. an e-mail stating several reasons why the records had not been produced.
- e. On November 2, 2010, Respondent sent another email to C.G. with further explanations as to why she had not sent the records.
- f. On January 4, 2011, an OPR investigator sent a letter to Respondent requesting a written response to the allegations made against her by C.G., and on January 21, 2011, Respondent wrote back expressing personal matters in her life but failed to explain why after seven (7) months, the medical records requested had not been provided.
- g. On January 22, 2011, the OPR investigator sent another letter to Respondent encouraging her to provide the records to the law firm and left a voicemail with Respondent on January 31, 2011.
- h. On February 1, 2011, at 6:15am, Respondent left a voicemail advising that she received the correspondences and would be getting the records to the law firm by February 4, 2011.
- i. On February 7, 2011 the OPR investigator received another voicemail from Respondent advising she mailed the records to the Complainant.
- j. Later on February 7th, OPR investigator received an e-mail from a paralegal from the Complainant's law firm stating that the records had not in fact been produced.
- k. On February 9, 2011 the Complainant emailed the OPR investigator stating she had not received any records from Respondent.
- l. On April 4, 2011, the State filed a Specification of Charges against Respondent based on, among other things, her failure to produce the records at issue.
- m. On April 27, 2011, Respondent filed an Answer in which she stated she provided the records. Respondent also stated this during a pre-hearing conference held on May 25, 2011.
- n. On May 26, 2011, an OPR investigator contacted C.G. and her law office and both stated Respondent had not provided the medical records at issue.
- o. On May 30, 2011, Respondent sent copies of medical records to the State. Receipt by the State was confirmed on the same day. Respondent also said she sent the records to the complainant's law firm. As of June 5, 2011, the law firm has not received the records.

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Violations

5. The above acts and/or omissions constitute unprofessional conduct pursuant to:

- i. BCLR 6.1 - A licensed chiropractic physician must provide copies of a patient's records within 30 days, when the chiropractic physician receives a written request for the records from the patient, the patient's representative, or succeeding health care professionals or institutions. This rule applies to patient records which are in the possession of or under the control of the chiropractic physician - and thus, 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession); and
- ii. 3 V.S.A. §129a(a)(8) - Failing to make available promptly to a person using professional health care services, that person's representative, succeeding health care professionals or institutions, upon written request and direction of the person using professional health care services, copies of that person's records in the possession or under the control of the licensed practitioner.

Understandings

6. Respondent understands that the Board of Chiropractic must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
7. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
8. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
9. Respondent voluntarily waives her right to a contested hearing before the Board of Chiropractic.
10. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based upon the stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. Respondent's actions described above demonstrate grounds for discipline because Respondent violated the above referenced statutes and rules.
- B. The Board of Chiropractic hereby **REPRIMANDS** Respondent's chiropractic license and **CONDITIONS** her license as follows:

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Continuing Education Courses - Respondent shall, at her own expense, complete two continuing education courses each of at least three (3) hours in length, pre-approved by the Board, in record-keeping and in ethics. The courses shall be complete within six (6) months of the commencement of the conditioned period.

Inspection - Respondent's practice is subject to two (2) random inspections by the Board or its designee, within a two (2) year period from the date of this Order, at Respondent's own expense. The purpose of these inspections is to insure compliance with the statutes and rules governing the profession including proper record keeping and client contact.

C. Respondent shall pay an **ADMINISTRATIVE PENALTY** of five hundred dollars (\$500) within ninety (90) days of the date of this ORDER.

D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

E. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 7/20/11

By: Gregg Meyer
State Prosecuting Attorney

PAMELA A. HALTON
RESPONDENT

Dated: 6/27/2011

By: Pamela Halton, DC
Pamela A. Halton

APPROVED AND SO ORDERED:

VERMONT BOARD OF CHIROPRACTIC

Dated: August 2, 2011

By: Deanne Natale, DC
Chairperson

Date of Entry: 8/2/11

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