

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF OSTEOPATHIC PHYSICIANS AND SURGEONS**

IN RE:
TINA MARIE D'AMATO
License No. 032.0000547

)
)
)
)

**Docket Nos.: 2010-392
2010-518, 2011-155 &
2013-154**

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont and the Respondent Tina Marie D'Amato who hereby stipulate and agree as follows:

Board Authority

1. The Vermont Board of Osteopathic Physicians and Surgeons (the "Board") has jurisdiction to investigate and adjudicate complaints of unprofessional conduct against osteopathic physicians and surgeons pursuant to 3 V.S.A. §§ 129 and 129a; 26 V.S.A. §§ 1791, 1792, 1842 and 1843; the Rules of the Board; and the Rules of the Office of Professional Regulation.

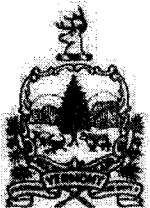
Stipulated Facts

2. Tina Marie D'Amato ("Respondent") of Williston, Vermont is licensed by the State of Vermont as an Osteopathic Physician under license number 032.0000547. This license was originally issued on or about May 7, 2007 and expires on September 30, 2014.
3. At all relevant times, Respondent was employed as an Osteopathic Physician at Burlington Primary Care (the "Facility") in Burlington, Vermont.

In re: Docket No. 2010-392

4. While employed at the Facility, Respondent displayed a pattern of overprescribing narcotic medication with multiple patients. Examples of this overprescribing are as follows:
 - a. For patient A.B., Respondent prescribed Subutex 8mg and Subutex 2 mg. On or about January 4, 2010, Respondent prescribed a 15-day supply for both medications. On or about January 18, 2010, both prescriptions were filled again for a 15-day supply. On or about January 29, 2010, both prescriptions were filled again for another 15-day supply.
 - b. For patient C.B., Respondent prescribed Diazepam 10mg, Oxycodone-APAP 7.5-325, Oxycodone-APAP 10-325, and Oxycodone HCL 5mg.

STATE OF VERMONT



**Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402**

- i. On or about May 26, 2010, Respondent prescribed a 3 day supply of Oxycodone HCL 5mg. The total quantity on the prescription was 60 pills, which would result in C.B. taking twenty (20) pills per day.
 - ii. On or about June 15, 2010, Respondent prescribed a 7 day supply of Oxycodone HCL 5mg. The total quantity on the prescription was 168 pills, which would result in C.B. taking twenty-four (24) pills per day.
- c. For patient J.M., Respondent prescribed Methadone HCL 10mg, Morphine Sulfate IR 30, and Lorazepam 1mg. Between January 4, 2010 and July 16, 2010, J.M.'s prescription for Methadone HCL 10mg was filled early on six occasions: March 29, 2010, April 12, 2010, April 27, 2010, May 16, 2010, May 20, 2010, and July 16, 2010. Between January 18, 2010 and July 31, 2010, J.M.'s prescription for Morphine Sulfate IR 30 was filled early on six occasions: March 29, 2010, April 12, 2010, May 8, 2010, June 5, 2010, July 3, 2010, and July 31, 2010.
- d. For patient K.H., during the month of January 2010, Respondent prescribed 105 Conazepam 1 mg, 300 Oxycodone HCL 30mg, and 45 Oxycontin 60mg. During a seven month period, from January 2010 through July 2010, Respondent prescribed to K.H. 2692 Oxycodone HCL 30mg, 720 Clonazepam 1mg, 255 Oxycontin 60mg, 395 Oxycontin 40mg, 290 Oxycontin 30mg, 45 Oxycodone HCL CR 40mg, and 200 Oxycodone HCL 15mg.
- e. For patient K.D., Respondent prescribed Endocet 10-325mg, Oxycontin 20mg, Oxycontin 40mg, and Clonazepam 1mg. Between January 18, 2010 and July 12, 2010, K.D.'s prescription for Oxycontin was filled early on seven occasions: February 16, 2010, March 11, 2010, March 30, 2010, April 12, 2010, May 24, 2010, June 18, 2010, and July 12, 2010. Between January 20, 2010 and July 18, 2010, K.D.'s prescription for Clonazepam was filled early on five occasions: February 16, 2010, March 11, 2010, April 7, 2010, May 5, 2010, and June 3, 2010.
- f. For patient L.M., Respondent prescribed Subutex 8mg. During the month of January 2010, Respondent issued multiple prescriptions for L.M. that were early. These prescriptions are as follows:
 - i. On January 12, 2010, L.M. received a two day supply of Subutex.
 - ii. On January 13, 2010, L.M. received a one day supply of Subutex.
 - iii. On January 14, 2010, L.M. received two prescriptions for Subutex, one of a two day supply and another for a one day supply.
 - iv. On January 15, 2010, L.M. received a two day supply of Subutex.
 - v. On January 16, 2010, L.M. received a two day supply of Subutex.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

- vi. On January 17, 2010, L.M. received a three day supply of Subutex.
- vii. On January 18, 2010, L.M. received a five day supply of Subutex.
- viii. On January 19, 2010, L.M. received a nine day supply of Subutex.
- g. For patient M.D., Respondent prescribed Oxycontin 80mg, Oxycontin 60mg, and Oxycodone HCL 30mg. On or about January 21, 2010, M.D. filled a prescription for an eleven day supply of Oxycodone HCL 30mg, which was for a total of 200 pills. This prescription called for M.D. to take 18 pills per day. During the same time period, Respondent was also prescribing Oxycontin 80 mg for M.D. M.D. filled identical prescriptions for Oxycodone on February 11, 2010 and March 4, 2010. Respondent continued to prescribe Oxycontin during this time.

In re: Docket No. 2010-518

- 5. In 2010 and 2011, Respondent wrote prescriptions for T.G. for Morphine Sulfate, Oxycodone, Butalbital compound, and Diazepam.
- 6. Respondent prescribed medication for T.G. between January 1, 2010 and August 31, 2010. During that time period, Respondent prescribed 2160 Morphine Sulfate pills, 1680 Oxycodone pills, 1380 Butalbital compound pills, and 905 Diazepam pills.
 - a. In January 2010, Respondent prescribed 360 Morphine Sulfate pills, 240 Oxycodone pills, 240 Butalbital compound pills, and 120 Diazepam pills.
 - b. In February 2010, Respondent prescribed 330 Morphine Sulfate pills, 240 Oxycodone pills, 240 Butalbital compound pills, and 120 Diazepam pills.
 - c. In March 2010, Respondent prescribed 450 Morphine Sulfate pills, 300 Oxycodone pills, 180 Butalbital compound pills, and 160 Diazepam pills.
 - d. In April 2010, Respondent prescribed 390 Morphine Sulfate pills, 240 Oxycodone pills, 300 Butalbital compound pills, and 160 Diazepam pills.
 - e. In May 2010, Respondent prescribed 450 Morphine Sulfate pills, 240 Oxycodone pills, 240 Butalbital compound pills, and 150 Diazepam pills.
- 7. Respondent prescribed medication for T.G. between January 11, 2011 and July 19, 2011. During that time period, T.G. received 3124 Morphine Sulfate pills, 1350 Oxycodone pills, 1620 Butalbital compound pills, and 1350 Diazepam pills.
 - a. In January 2011, Respondent prescribed 270 Morphine Sulfate pills, 150 Oxycodone pills, 120 Butalbital compound pills, and 90 Diazepam pills.
 - b. In February 2011, Respondent prescribed 270 Morphine Sulfate pills, 150 Oxycodone pills, 120 Butalbital compound pills, and 120 Diazepam pills.

STATE OF VERMONT



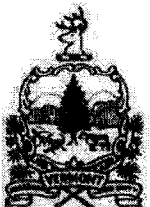
Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

- c. In March 2011, Respondent prescribed 495 Morphine Sulfate pills, 300 Oxycodone pills, 300 Butalbital compound pills, and 240 Diazepam pills.
- d. In April 2011, Respondent prescribed 349 Morphine Sulfate pills, 150 Oxycodone pills, 420 Butalbital compound pills, and 180 Diazepam pills.
- e. In May 2011, Respondent prescribed 765 Morphine Sulfate pills, 225 Oxycodone pills, 300 Butalbital compound pills, and 180 Diazepam pills.
- f. In June 2011, Respondent prescribed 435 Morphine Sulfate pills, 150 Oxycodone pills, 240 Butalbital compound pills, and 360 Diazepam pills.
- g. In July 2011, Respondent prescribed 540 Morphine Sulfate pills, 225 Oxycodone pills, 120 Butalbital compound pills, and 180 Diazepam pills.

In re: Docket No. 2011-155

- 8. In 2009 and 2010, Respondent wrote prescriptions for R.C. for Oxycodone, Oxycontin 20mg, Oxycontin 30mg, Oxycontin 40mg, and Oxycontin 60mg.
- 9. Respondent prescribed medication for R.C. between January 3, 2010 and August 1, 2010. During that time period, R.C. received 8147 Oxycodone pills, 107 Oxycontin 20mg pills, 175 Oxycontin 30mg pills, 330 Oxycontin 40mg pills, and 558 Oxycontin 60mg pills.
 - a. In January 2010, Respondent prescribed 1215 Oxycodone pills, 37 Oxycontin 20mg pills, 45 Oxycontin 30mg pills, 30 Oxycontin 40mg pills, and 30 Oxycontin 60mg pills.
 - b. In February 2010, Respondent prescribed 960 Oxycodone pills, 30 Oxycontin 20mg pills, 30 Oxycontin 30 mg pills, 60 Oxycontin 40mg pills, and 120 Oxycontin 60mg pills.
 - c. In March 2010, Respondent prescribed 1171 Oxycodone pills, 60 Oxycontin 40mg pills, and 120 Oxycontin 60mg pills.
 - d. In April 2010, Respondent prescribed 854 Oxycodone pills, 40 Oxycontin 40mg pills, and 80 Oxycontin 60mg pills.
 - e. In May 2010, Respondent prescribed 1296 Oxycodone pills, 40 Oxycontin 20mg pills, 40 Oxycontin 30mg pills, 50 Oxycontin 40mg pills, and 88 Oxycontin 60mg pills.
 - f. In June 2010, Respondent prescribed 1431 Oxycodone pills, 10 Oxycontin 30mg pills, 30 Oxycontin 40mg pills, and 80 Oxycontin 60mg pills.
 - g. In July 2010, Respondent prescribed 1220 Oxycodone pills, 40 Oxycontin 30mg pills, 60 Oxycontin 40mg pills, and 40 Oxycontin 60mg pills.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

Violations

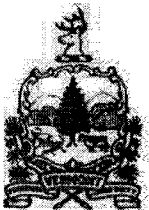
10. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

- a. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and

Understandings

- i. The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.
- ii. The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
- iii. This Stipulation and Consent Order is entered into voluntarily by the Respondent after the opportunity to consult with legal counsel. The Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.
- iv. The Respondent is voluntarily waiving her right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
- v. The Respondent is of sound mind and is not under the influence of drugs or alcohol at the time she signs this stipulation and consent order.
- vi. Respondent agrees that the Order set forth below may be entered by the Board.
- vii. The Respondent agrees to pay any and all costs associated with this Stipulation and Consent Order.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

CONSENT ORDER

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

A. The Board of Osteopathic Physicians hereby **CONDITIONS FOR A PERIOD OF FOUR (4) YEARS** the Respondent's license to practice as an Osteopathic Physician commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

(1) Re-issue of License.

Upon the imposition of these conditions, Respondent shall be issued a license labeled "conditioned".

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered.

(3) Evaluators

Within thirty (30) days of the date of entry below the Respondent shall propose the names of four (4) osteopathic physicians who are licensed and in good standing to the Board. The Board shall select three (3) of these osteopathic physicians who shall perform the following functions:

a) One (1) osteopathic physician shall select 12-15 patients for review, including at least 6 who are being managed on narcotics. The patients selected for review must have been treated between January 1, 2013 and January 1, 2014.

b) Two (2) different osteopathic physicians than the selecting osteopathic physician shall be responsible for the clinical evaluation of the patients selected and for reviewing all their clinical and financial records.

(4) Evaluation Process

The two (2) evaluators shall check the clinical and financial records of the patients selected for accuracy, consistency and completeness. The clinical evaluations of the patients selected shall be conducted in the Respondent's Office or in a neutral setting.

a) If the care provided to the patients is deemed acceptable by the clinical evaluators and the Board, then this condition shall be removed after **two (2) years** from the date of entry below. If deemed less than acceptable the Board may give Respondent the opportunity to come into compliance over the next 2 year period.

(5) Opiate Prescription and Management

The Respondent shall complete twenty-four (24) hours of continuing education coursework in opiate prescription and management. This coursework must be completed within one year of the date of entry below. The coursework must be approved in advance by the Board or its designee and cannot be used by the Respondent to fulfill any ongoing continuing education requirements.

(6) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

(7) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(8) Completion of Conditional License Period.

After the conditions are completed Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order.

B. The Respondent shall pay an **Administrative Penalty in the amount of Five Thousand Dollars (\$5000.00)** within one year of the date of entry below.

C. The charges in docket number 2013-154 are **DISMISSED**.

D. Notwithstanding any provision above, the Respondent must continue to meet all Board of Osteopathic Physician requirements for maintaining a license, license renewal and license reinstatement.

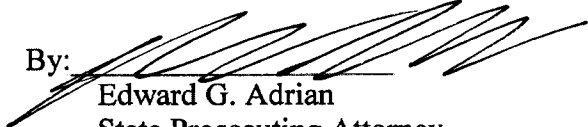
E. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

F. 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:

Dated: 12/4/13

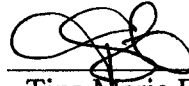
STATE OF VERMONT
SECRETARY OF STATE

By: 

Edward G. Adrian
State Prosecuting Attorney

TINA MARIE D'AMATO, D.O.
RESPONDENT

Dated: 12/2/2013

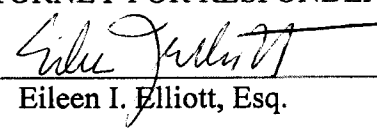
By: 

Tina Marie D'Amato, D.O.

APPROVED AS TO FORM:

Dated: 12/3/2013

ATTORNEY FOR RESPONDENT

By: 

Eileen I. Elliott, Esq.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

APPROVED AND SO ORDERED:

VERMONT BOARD OF OSTEOPATHIC
PHYSICIANS AND SURGEONS

Dated: 12/16/13

By: William J. Peterson, DO
Chairperson

Date of Entry: 12/16/13

os.damato.stip

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF OSTEOPATHIC PHYSICIANS AND SURGEONS**

IN RE:	)	
TINA MARIE D'AMATO	)	Docket Nos.: 2010-392
License No. 032.0000547	)	2010-518 & 2011-155

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Tina Marie D'Amato:

Board Authority

1. The Vermont Board of Osteopathic Physicians and Surgeons (the "Board") has jurisdiction to investigate and adjudicate complaints of unprofessional conduct against osteopathic physicians and surgeons pursuant to 3 V.S.A. §§ 129 and 129a; 26 V.S.A. §§ 1791, 1792, 1842 and 1843; the Rules of the Board; and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Tina Marie D'Amato ("Respondent") of Williston, Vermont is licensed by the State of Vermont as an Osteopathic Physician under license number 032.0000547. This license was originally issued on or about May 7, 2007 and expires on September 30, 2014.
3. At all relevant times, Respondent was employed as an Osteopathic Physician at Burlington Primary Care (the "Facility") in Burlington, Vermont.

In re: Docket No. 2010-392

4. While employed at the Facility, Respondent displayed a pattern of overprescribing narcotic medication with multiple patients. Examples of this overprescribing are as follows:
 - a. For patient A.B., Respondent prescribed Subutex 8mg and Subutex 2 mg. On or about January 4, 2010, Respondent prescribed a 15-day supply for both medications. On or about January 18, 2010, both prescriptions were filled again for a 15-day supply. On or about January 29, 2010, both prescriptions were filled again for another 15-day supply.
 - b. For patient C.B., Respondent prescribed Diazepam 10mg, Oxycodone-APAP 7.5-325, Oxycodone-APAP 10-325, and Oxycodone HCL 5mg.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

- i. On or about May 26, 2010, Respondent prescribed a 3 day supply of Oxycodone HCL 5mg. The total quantity on the prescription was 60 pills, which would result in C.B. taking twenty (20) pills per day.
 - ii. On or about June 15, 2010, Respondent prescribed a 7 day supply of Oxycodone HCL 5mg. The total quantity on the prescription was 168 pills, which would result in C.B. taking twenty-four (24) pills per day.
- c. For patient J.M., Respondent prescribed Methadone HCL 10mg, Morphine Sulfate IR 30, and Lorazepam 1mg. Between January 4, 2010 and July 16, 2010, J.M.'s prescription for Methadone HCL 10mg was filled early on six occasions: March 29, 2010, April 12, 2010, April 27, 2010, May 16, 2010, May 20, 2010, and July 16, 2010. Between January 18, 2010 and July 31, 2010, J.M.'s prescription for Morphine Sulfate IR 30 was filled early on six occasions: March 29, 2010, April 12, 2010, May 8, 2010, June 5, 2010, July 3, 2010, and July 31, 2010.
- d. For patient K.H., during the month of January 2010, Respondent prescribed 105 Conazepam 1 mg, 300 Oxycodone HCL 30mg, and 45 Oxycontin 60mg. During a seven month period, from January 2010 through July 2010, Respondent prescribed to K.H. 2692 Oxycodone HCL 30mg, 720 Clonazepam 1mg, 255 Oxycontin 60mg, 395 Oxycontin 40mg, 290 Oxycontin 30mg, 45 Oxycodone HCL CR 40mg, and 200 Oxycodone HCL 15mg.
- e. For patient K.D., Respondent prescribed Endocet 10-325mg, Oxycontin 20mg, Oxycontin 40mg, and Clonazepam 1mg. Between January 18, 2010 and July 12, 2010, K.D.'s prescription for Oxycontin was filled early on seven occasions: February 16, 2010, March 11, 2010, March 30, 2010, April 12, 2010, May 24, 2010, June 18, 2010, and July 12, 2010. Between January 20, 2010 and July 18, 2010, K.D.'s prescription for Clonazepam was filled early on five occasions: February 16, 2010, March 11, 2010, April 7, 2010, May 5, 2010, and June 3, 2010.
- f. For patient L.M., Respondent prescribed Subutex 8mg. During the month of January 2010, Respondent issued multiple prescriptions for L.M. that were early. These prescriptions are as follows:
 - i. On January 12, 2010, L.M. received a two day supply of Subutex.
 - ii. On January 13, 2010, L.M. received a one day supply of Subutex.
 - iii. On January 14, 2010, L.M. received two prescriptions for Subutex, one of a two day supply and another for a one day supply.
 - iv. On January 15, 2010, L.M. received a two day supply of Subutex.
 - v. On January 16, 2010, L.M. received a two day supply of Subutex.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

- vi. On January 17, 2010, L.M. received a three day supply of Subutex.
- vii. On January 18, 2010, L.M. received a five day supply of Subutex.
- viii. On January 19, 2010, L.M. received a nine day supply of Subutex.
- g. For patient M.D., Respondent prescribed Oxycontin 80mg, Oxycontin 60mg, and Oxycodone HCL 30mg. On or about January 21, 2010, M.D. filled a prescription for an eleven day supply of Oxycodone HCL 30mg, which was for a total of 200 pills. This prescription called for M.D. to take 18 pills per day. During the same time period, Respondent was also prescribing Oxycontin 80 mg for M.D. M.D. filled identical prescriptions for Oxycodone on February 11, 2010 and March 4, 2010. Respondent continued to prescribe Oxycontin during this time.

In re: Docket No. 2010-518

- 5. In 2010 and 2011, Respondent wrote prescriptions for T.G. for Morphine Sulfate, Oxycodone, Butalbital compound, and Diazepam.
- 6. Respondent prescribed medication for T.G. between January 1, 2010 and August 31, 2010. During that time period, Respondent prescribed 2160 Morphine Sulfate pills, 1680 Oxycodone pills, 1380 Butalbital compound pills, and 905 Diazepam pills.
 - a. In January 2010, Respondent prescribed 360 Morphine Sulfate pills, 240 Oxycodone pills, 240 Butalbital compound pills, and 120 Diazepam pills.
 - b. In February 2010, Respondent prescribed 330 Morphine Sulfate pills, 240 Oxycodone pills, 240 Butalbital compound pills, and 120 Diazepam pills.
 - c. In March 2010, Respondent prescribed 450 Morphine Sulfate pills, 300 Oxycodone pills, 180 Butalbital compound pills, and 160 Diazepam pills.
 - d. In April 2010, Respondent prescribed 390 Morphine Sulfate pills, 240 Oxycodone pills, 300 Butalbital compound pills, and 160 Diazepam pills.
 - e. In May 2010, Respondent prescribed 450 Morphine Sulfate pills, 240 Oxycodone pills, 240 Butalbital compound pills, and 150 Diazepam pills.
- 7. Respondent prescribed medication for T.G. between January 11, 2011 and July 19, 2011. During that time period, T.G. received 3124 Morphine Sulfate pills, 1350 Oxycodone pills, 1620 Butalbital compound pills, and 1350 Diazepam pills.
 - a. In January 2011, Respondent prescribed 270 Morphine Sulfate pills, 150 Oxycodone pills, 120 Butalbital compound pills, and 90 Diazepam pills.
 - b. In February 2011, Respondent prescribed 270 Morphine Sulfate pills, 150 Oxycodone pills, 120 Butalbital compound pills, and 120 Diazepam pills.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

- c. In March 2011, Respondent prescribed 495 Morphine Sulfate pills, 300 Oxycodone pills, 300 Butalbital compound pills, and 240 Diazepam pills.
- d. In April 2011, Respondent prescribed 349 Morphine Sulfate pills, 150 Oxycodone pills, 420 Butalbital compound pills, and 180 Diazepam pills.
- e. In May 2011, Respondent prescribed 765 Morphine Sulfate pills, 225 Oxycodone pills, 300 Butalbital compound pills, and 180 Diazepam pills.
- f. In June 2011, Respondent prescribed 435 Morphine Sulfate pills, 150 Oxycodone pills, 240 Butalbital compound pills, and 360 Diazepam pills.
- g. In July 2011, Respondent prescribed 540 Morphine Sulfate pills, 225 Oxycodone pills, 120 Butalbital compound pills, and 180 Diazepam pills.

In re: Docket No. 2011-155

- 8. In 2009 and 2010, Respondent wrote prescriptions for R.C. for Oxycodone, Oxycontin 20mg, Oxycontin 30mg, Oxycontin 40mg, and Oxycontin 60mg.
- 9. Respondent prescribed medication for R.C. between January 3, 2010 and August 1, 2010. During that time period, R.C. received 8147 Oxycodone pills, 107 Oxycontin 20mg pills, 175 Oxycontin 30mg pills, 330 Oxycontin 40mg pills, and 558 Oxycontin 60mg pills.
 - a. In January 2010, Respondent prescribed 1215 Oxycodone pills, 37 Oxycontin 20mg pills, 45 Oxycontin 30mg pills, 30 Oxycontin 40mg pills, and 30 Oxycontin 60mg pills.
 - b. In February 2010, Respondent prescribed 960 Oxycodone pills, 30 Oxycontin 20mg pills, 30 Oxycontin 30 mg pills, 60 Oxycontin 40mg pills, and 120 Oxycontin 60mg pills.
 - c. In March 2010, Respondent prescribed 1171 Oxycodone pills, 60 Oxycontin 40mg pills, and 120 Oxycontin 60mg pills.
 - d. In April 2010, Respondent prescribed 854 Oxycodone pills, 40 Oxycontin 40mg pills, and 80 Oxycontin 60mg pills.
 - e. In May 2010, Respondent prescribed 1296 Oxycodone pills, 40 Oxycontin 20mg pills, 40 Oxycontin 30mg pills, 50 Oxycontin 40mg pills, and 88 Oxycontin 60mg pills.
 - f. In June 2010, Respondent prescribed 1431 Oxycodone pills, 10 Oxycontin 30mg pills, 30 Oxycontin 40mg pills, and 80 Oxycontin 60mg pills.
 - g. In July 2010, Respondent prescribed 1220 Oxycodone pills, 40 Oxycontin 30mg pills, 60 Oxycontin 40mg pills, and 40 Oxycontin 60mg pills.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

Charges

10. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:

- a. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice); and

Relief Requested

WHEREFORE, the license of Tina Marie D'Amato should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 17th day of April, 2013.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

os.damato.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF OSTEOPATHIC PHYSICIANS AND SURGEONS**

IN RE:
TINA MARIE D'AMATO
License No. 032.0000547

)
)
)

Docket No. 2013-154

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Tina Marie D'Amato:

Board Authority

1. The Vermont Board of Osteopathic Physicians and Surgeons (the "Board") has jurisdiction to investigate and adjudicate complaints of unprofessional conduct against osteopathic physicians and surgeons pursuant to 3 V.S.A. §§ 129 and 129a; 26 V.S.A. §§ 1791, 1792, 1842 and 1843; the Rules of the Board; and the Rules of the Office of Professional Regulation.

Statement of Facts

2. Tina Marie D'Amato ("Respondent") of Williston, Vermont is licensed by the State of Vermont as an Osteopathic Physician under license number 032.0000547. This license was originally issued on or about May 7, 2007 and expires on September 30, 2014.
3. At all relevant times, Respondent was employed as an Osteopathic Physician at Vermont Women's Wellness (the "Facility") in Williston, Vermont.
4. On or about December 4, 2012, during a scheduled appointment, Respondent took a swab sample from patient J.K. to be sent to Medical Diagnostic Laboratories LLC (the "Laboratory") for testing. Respondent told J.K. that she should have the results of the testing in approximately one week.
5. On or about December 28, 2012, J.K. left a message with the Facility's answering service inquiring on the status of the test results. J.K. received a call from A.P., Respondent's medical assistant, on December 30, 2012, who told her that a machine had broken at the Laboratory and they hadn't received the results yet.
6. In January of 2013, J.K. called the Facility approximately four more times inquiring on the status of her test results.
7. On or about February 7, 2013, J.K. received a call from A.P., who stated the Facility had put the wrong date of birth on the sample, and the Laboratory had billed someone else's insurance and sent the test results to the wrong person. Respondent called J.K.

STATE OF VERMONT



**Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602**

that same day and told J.K. she had no idea J.K. had not received her results yet. Respondent told J.K. she would personally mail the results to her.

8. J.K. received the test results on February 13, 2013. A copy of the test results was also sent to E.C., J.K.'s naturopathic physician. The test results Respondent mailed had a processing date of February 10, 2012 and a report date of February 11, 2012. J.K. had testing done in February of 2012 that was identical to what was supposed to have been done in December of 2012.
9. On or about March 5, 2013, J.K. contacted the Laboratory to obtain the December 4, 2012 test results. The Laboratory never received a specimen for a December 4, 2012 test. The only specimen the Laboratory had on file was for the February 11, 2012 test. No machines at the Laboratory were out of service in December of 2012. Additionally, the Laboratory had no record of incorrectly charging someone's insurance for J.K.'s test.
10. It was unacceptable patient care and a failure to conform to the standards of acceptable and prevailing practice for the test to take so long to be processed after the Respondent indicated that they would take approximately a week. If the lab had lost the results prevailing practice would have required retesting as soon as this fact became known to the Respondent.

Charges

11. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice).

Relief Requested

WHEREFORE, the license of Tina Marie D'Amato should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 31st day of May, 2013.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602