



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

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Pre-Charge Stipulation and Consent Order

Board Authority

1. The Vermont Board of Osteopathic Physicians and Surgeons (the “Board”) has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Osteopathic Physicians and Surgeons pursuant to 3 V.S.A. §§129, 129a and 814; 26 V.S.A. Chapter 33; the Administrative Rules of the Board of Osteopathic Physicians and Surgeons; and the Rules of the Office of Professional Regulation (“OPR Rules”).

Stipulated Facts

2. Respondent is licensed by the State of Vermont as an Osteopathic Physician under license number 032.0127599. This license was first issued on February 1, 2017, and expires on September 30, 2024.
3. Prior to July 19, 2022, Respondent held an unencumbered license to practice Osteopathic Medicine in the State of Florida under license number OS13410.
4. On or about April 22, 2021, Respondent suffered an anoxic brain injury.
5. As a result of this injury, Respondent was unable to practice osteopathic medicine with reasonable skill and safety to patients.
6. On or about May 17, 2021, during her initial hospitalization for her anoxic brain injury, Respondent was referred to Professional Resource Network, Inc. ("PRN"), the entity designated by the State of Florida as its Impaired Practitioners Program for osteopathic physicians.
7. On or about August 12, 2021, Respondent underwent a neurocognitive evaluation ordered by PRN.
8. This evaluation concluded, to a reasonable degree of medical certainty, that Respondent "cannot practice as an MD/Surgeon with reasonable skill and safety at this time."

9. The evaluation also concluded that Respondent's "return to work as a physician should be contingent upon the successful completion of entering into a PHP program" monitored by PRN.
10. On or about September 9, 2021, Respondent underwent an independent medical evaluation.
11. This evaluation diagnosed Respondent with, among other things, a "major neurocognitive disorder secondary to anoxic brain injury" and "anoxic brain injury with continuing ataxia and cognitive impairment."
12. This evaluation concluded that Respondent "be considered not able to continue her practice of medicine with the required safety until she has completed recommended levels of treatment, is appropriately monitored by PRN, and has the approval of all treatment providers, her Psychiatrist, her Therapist, a Neurologist, and of PRN as to her safety to return to practice including repeat Neurocognitive testing."
13. Respondent applied for, and received, temporary practice credentials as an osteopathic physician at Gifford Medical Center ("Gifford") located in Randolph, Vermont valid from December 13, 2021 until May 4, 2022.
14. During that time, Respondent worked intermittently for Gifford on the following dates:
 - a. December 13, 2021 through January 2, 2022,
 - b. March 16, 2022 through April 10, 2022,
 - c. And, April 28, 2022 through May 1, 2022.
15. Respondent did not inform Gifford of her voluntary withdrawal from practice in Florida, or any of the circumstances that led up to it.
16. Respondent applied for, and received, temporary practice credentials as an osteopathic physician at Springfield Hospital ("Springfield") located in Springfield, Vermont valid from March 10, 2022 until April 27, 2022.
17. During that time, Respondent provided *locums tenens* coverage for Springfield's medical staff.
18. Respondent did not inform Springfield of her voluntary withdrawal from practice in Florida, or any of the circumstances that led up to it.
19. On or about July 19, 2022, Respondent voluntarily withdrew from the practice of osteopathic medicine in the State of Florida.
20. When Respondent so withdrew from practice, she specified that this withdrawal would remain in effect until such time as PRN notifies the Florida Department of

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Health in writing that the withdrawal may be rescinded, or until the Florida Board of Osteopathic Medicine enters an order authorizing Respondent to rescind the withdrawal.

21. On or about August 5, 2022, Respondent sought another independent medical evaluation to determine her fitness to practice medicine.
22. This evaluation "recommended that [Respondent] not return to work as a general surgeon or practice medicine at this time" noting "[s]ignificant cognitive difficulties were indicated."
23. This evaluation concluded with the recommendation that Respondent undergo "a repeat comprehensive neuropsychological evaluation...in 1 year to assess potential improvement in her cognitive functioning."
24. On or about August 22, 2022, Respondent underwent a neuropsychological evaluation at the request of her physician.
25. This evaluation noted improvement in Respondent's neuropsychological health.
26. This evaluation did not comment upon Respondent's ultimate ability to practice medicine with reasonable skill and safety to patients.
27. This evaluation recommended several other avenues of medical inquiry "to further assess readiness to return to work."
28. On or about November 24, 2022, Respondent submitted a request to transfer a Drug Enforcement Administration ("DEA") Registration number associated with her (FS5332818) from Florida to Gifford Hospital in Vermont.
29. This request was denied by the DEA.
30. On March 22, 2023, Respondent applied for a Vermont DEA Registration number and provided an address of 44 South Main Street in Randolph, Vermont as her address in Vermont.
31. This address is Gifford Medical Center.
32. To date, PRN has not notified the Florida Department of Health (in writing or otherwise) that Respondent may rescind her withdrawal from practice.
33. To date, the Florida Board of Osteopathic Medicine has not entered any order authorizing Respondent to rescind her withdrawal from practice.
34. Respondent did not report her withdrawal from the practice of osteopathic medicine to the Vermont Board of Osteopathic Physicians and Surgeons, Vermont Secretary of State's Office of Professional Regulation, or any other licensing or regulatory authority in the State of Vermont.

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- 35. Respondent's Vermont license remains unencumbered.
- 36. Any practice within the State of Vermont by Respondent prior to a full and complete resolution of the mental or physical conditions that led to her voluntary withdrawal from the practice of osteopathic medicine in Florida would constitute unprofessional conduct in violation of 26 V.S.A. § 1842(b)(1).

Understandings

- 37. Respondent admits the facts above are true and the conditions below are necessary to protect the public.
- 38. Respondent understands that this Pre-Charge Stipulation and Consent Order will be reviewed and the Board may accept or reject the Order set forth below. If the Board rejects all or any portion of the Order, then this entire document shall be null and void.
- 39. Respondent specifically waives any claim that any disclosures made to the Board during its review of this agreement prejudice Respondent's right to a fair and impartial hearing if this agreement is not accepted and proceeds to a merits hearing before the same Board.
- 40. Respondent has read this document fully and agrees it contains the entire agreement between the parties.
- 41. This Pre-Charge Stipulation and Consent Order is entered into voluntarily by Respondent after the opportunity to consult with legal counsel. Respondent has not been coerced by anyone into signing this Pre-Charge Stipulation and Consent Order.
- 42. Respondent voluntarily waives the right to a contested hearing and waives any right to appeal this Pre-Charge Stipulation and Consent Order.
- 43. Respondent is of sound mind and is not under the influence of drugs or alcohol when signing this Pre-Charge Stipulation and Consent Order.
- 44. Respondent agrees the Order set forth below may be entered, will be a binding Order upon Respondent, and will be made public.
- 45. Respondent understands that Respondent is responsible for all compliance costs associated with this Pre-Charge Stipulation and Consent Order and any violation of this Order may result in additional disciplinary action.

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ORDER

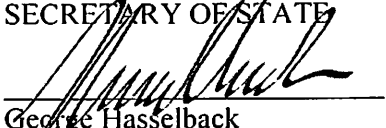
Based upon the above stipulation, it is **ORDERED AND ADJUDGED** as follows:

- A. Respondent's license to practice as an osteopathic physician (#032.0127599) shall be **INDEFINITELY SUSPENDED**. Respondent must petition the Board for reinstatement. No sooner than forty-five (45) days prior to requesting reinstatement, Respondent must, at her own cost:
- a. Obtain an independent neuropsychological evaluation report by a pre-approved licensed professional specializing in neuropsychological health ("Independent Evaluator") who has verified receipt of this Order. The results of the Independent Evaluation must indicate that Respondent does not present a risk to the safety, health or welfare of Respondent's potential patients, as well as any recommendations that would ensure Respondent is safe to practice. The evaluation must be submitted the Enforcement Unit Case Manager.
 - b. If recommended by an Independent Evaluator, enter into a treating professional agreement and mental health treatment plan with a pre-approved treating professional(s) and follow all recommendations.
- B. If reinstated, Respondent's license **SHALL BE CONDITIONED** pursuant to whatever terms the Board finds reasonable at the time of Respondent's reinstatement request, taking into account the independent evaluation, the facts above, and anything else the Board deems relevant at that time.
- C. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license reinstatement.
- D. This Pre-Charge 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 Pre-Charge Stipulation and Consent Order will remain part of Respondent's licensing file and may be considered relative to any future disciplinary matter.

AGREED TO:

Dated: 4/12/2023

STATE OF VERMONT
SECRETARY OF STATE

By: 

George Hasselback
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Dated: 4/12/2023

RESPONDENT

By: Tiffani Shelton
Tiffani Shelton

APPROVED AND SO ORDERED:

Dated: 5/11/2023

By: Jasper Brickley, DO
DocuSigned by:
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Board Chairperson

Date of Entry: 5/12/2023

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