

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

IN RE:)
Joseph Palumbo) **Docket No. 2024-165**
Application Tracking No. LI-762652)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney George Hasselback, and Applicant Joseph Palumbo, 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 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").

Basis for Denial

Basis for Denial One: 26 V.S.A. § 1842(b)(9): Delegating professional responsibilities to a person who the licensee knows or has reason to know is not qualified by training, experience, or licensure to perform them.

2. On or about November 11, 2023, the Virginia Board of Medicine ("the VA Board") entered a Consent Order in which it made certain findings of fact concerning the Applicant's practice of medicine within the Commonwealth of Virginia.
3. The VA Board found that Applicant:

...aided and abetted the unlicensed practice of medicine" at facilities that he owned "when he authorized and allowed facility staff to perform, outside of his direction, control and/or supervision and when he was not physically present, discretionary duties requiring the exercise of professional judgment...and to administer intravenous medications outside of his direction and supervision. Specifically, without physically examining patients, [Applicant] provided "standing orders" or protocols that allowed facility staff to perform initial patient assessments, allow patients to choose injectable medications from a menu, and inject patients with

STATE OF VERMONT



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

various combinations of products that included Schedule VI controlled substances such as Vitamin B3, Vitamin B12, glutathione, Vitamin C, and Zofran (ondansetron hydrochloride). He also allowed *locum tenens* practitioners [at the facilities he owned] to issue the same "standing orders" or protocols.

4. More specifically, the VA Board found that Applicant:

...allowed employees of the hydration facilities of which he was medical director to mix medications with normal saline or lactated ringers (i.e., compounding) and immediately administer these solutions to patients via IV slow push or IM, without ensuring that all personnel were appropriately trained in and utilized the practices and principles of disinfection techniques, aseptic manipulations, and solution compatibility; establishing and implementing procedures for verification of the accuracy of the mixed products; or developing and maintaining written policies and procedures to be followed in mixing of sterile products and for training of personnel.

5. Paragraphs 2 through 4 demonstrate that Applicant delegated professional responsibilities to a person who the licensee knows or has reason to know is not qualified by training, experience, or licensure to perform them when he authorized and allowed staff to perform discretionary medical duties requiring the exercise of professional judgement and to administer intravenous medications outside of his direction and supervision.

Understandings

1. Applicant admits the facts set forth above are true and the Board may find that the Applicant engaged in unprofessional conduct.
2. Applicant admits that the order below is necessary to protect the public.
3. Applicant understands that the Board 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.
4. Applicant specifically waives any claims that any disclosures made to the Board during its review of this agreement have prejudiced Applicant's rights to a fair and impartial hearing in future hearings if the Board does not accept this agreement.
5. Applicant has read and reviewed this entire document and agrees that this document contains the entire agreement between the parties.
6. Applicant is not under the influence of any drugs or alcohol at the time of signature of this Stipulation and Consent Order.

STATE OF VERMONT



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

7. Applicant voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
8. Applicant voluntarily waives the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
9. Applicant agrees that the Board may enter into the Order set forth below.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board hereby grants Applicant licensure as an Osteopathic Physician.
- B. The Board hereby **WARNS** Applicant's license when it is issued.
- C. Notwithstanding any provision above, Applicant must continue to meet all requirements for maintaining a license, license renewal, and license reinstatement.
- 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 Applicant'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: 10/28/2024

By: George Hasselback
George Hasselback
Prosecuting Attorney

Dated: 10/28/24

By: Joseph Palumbo
APPLICANT
Joseph Palumbo

APPROVED AND SO ORDERED:

Dated: 12/26/24

By: Board
DocuSigned by:
19188486100410...

Date of Entry: 12/29/24

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:)
Joseph Palumbo) **Docket No. 2024-165**
Application Tracking No. LI-762652)

NOTICE OF PRELIMINARY DENIAL

An application for licensure as an Osteopathic Physician submitted by Joseph Palumbo (“Applicant”) was received by the Office of Professional Regulation (“OPR”) on August 3, 2024 (“the Application”). The Application was complete on August 3, 2024. The Application has been **preliminarily denied** by the State of Vermont for the following reasons:

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”).

Basis for Denial

Basis for Denial One: 26 V.S.A. § 1842(b)(9): Delegating professional responsibilities to a person who the licensee knows or has reason to know is not qualified by training, experience, or licensure to perform them.

2. Under Vermont law, when unprofessional conduct is committed by an applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action, whether the conduct occurred within or outside of the State of Vermont. *See* 3 V.S.A. 129a(a).
3. In Vermont, delegating professional responsibilities to a person who the licensee knows or has reason to know is not qualified by training, experience, or licensure to perform them constitutes unprofessional conduct.
4. On or about November 11, 2023, the Virginia Board of Medicine (“the VA Board”) entered a Consent Order in which it made certain findings of fact concerning the Applicant’s practice of medicine within the Commonwealth of Virginia.
5. The VA Board found that Applicant:

STATE OF VERMONT



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

...aided and abetted the unlicensed practice of medicine” at facilities that he owned “when he authorized and allowed facility staff to perform, outside of his direction, control and/or supervision and when he was not physically present, discretionary duties requiring the exercise of professional judgment...and to administer intravenous medications outside of his direction and supervision. Specifically, without physically examining patients, [Applicant] provided “standing orders” or protocols that allowed facility staff to perform initial patient assessments, allow patients to choose injectable medications from a menu, and inject patients with various combinations of products that included Schedule VI controlled substances such as Vitamin B3, Vitamin B12, glutathione, Vitamin C, and Zofran (ondansetron hydrochloride). He also allowed *locum tenens* practitioners [at the facilities he owned] to issue the same “standing orders” or protocols.

6. More specifically, the VA Board found that Applicant:

...allowed employees of the hydration facilities of which he was medical director to mix medications with normal saline or lactated ringers (i.e., compounding) and immediately administer these solutions to patients via IV slow push or IM, without ensuring that all personnel were appropriately trained in and utilized the practices and principles of disinfection techniques, aseptic manipulations, and solution compatibility; establishing and implementing procedures for verification of the accuracy of the mixed products; or developing and maintaining written policies and procedures to be followed in mixing of sterile products and for training of personnel.

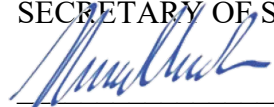
7. Paragraphs 2 through 7 demonstrate that Applicant delegated professional responsibilities to a person who the licensee knows or has reason to know is not qualified by training, experience, or licensure to perform them when he authorized and allowed staff to perform discretionary medical duties requiring the exercise of professional judgement and to administer intravenous medications outside of his direction and supervision.

As a result of the foregoing reasons, the Application for licensure is **PRELIMINARILY DENIED**. If you would like this decision to be reviewed, please refer to the petition for review instructions at the bottom of this notice.

DATED this 30th day of September, 2024.

STATE OF VERMONT
SECRETARY OF STATE

By:


George Hasselback
Prosecuting Attorney

STATE OF VERMONT



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

george.hasselback@vermont.gov

To seek review of this preliminary decision to deny your license application, you must file with the Docket Clerk a written petition requesting review within 30 days of the date of this notification. In order to expedite the review process, your petition shall include a statement of issues, that is, why the preliminary denial should be reversed and that the license should be granted.

Please send the petition via first-class mail, postage prepaid to the address below:

Julie Bowen, Docket Clerk
Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05602-3402

Upon receipt of a timely petition for review, a hearing will be scheduled. The State will be represented by the state prosecutor. At the hearing, you will have the burden of proving that the preliminary decision to deny the license should be reversed and that your license should be granted. 3 V.S.A. § 129(e). You may have an attorney represent you, and you may bring witnesses and documents to the hearing. After the hearing, the tribunal may uphold the denial, in whole, or in part, may reverse the decision and issue an unrestricted license, or may issue a license with disciplinary sanctions attached. 3 V.S.A. § 129(a)(3).

If you do not petition for review, the preliminary denial of the license will become final in 30 days. As a final disciplinary decision, the denial will be reported to all required national data banks and shall be public pursuant to 3 V.S.A. §131.

Once the decision is final, it may be appealed pursuant to 3 V.S.A. § 130a.

STATE OF VERMONT



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