

SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF OSTEOPATHIC PHYSICIANS

In re: KENNETH SCHROETER
License No. 032.0000522

}
} Docket No. 2024-93&94
}

Appearances:

Prosecutor: George Hasselback, Esq.
Respondent: Did not appear

Hearing Officer: George K. Belcher

DEFAULT ORDER

Findings of Fact

1. The Respondent is licensed in Vermont as an Osteopathic Physician.
2. The Hearing Officer held a hearing in the above matter on September 23, 2024, pursuant to 3 VSA Sec. 129(f). The hearing was held electronically pursuant to the Notice of Hearing. The State requested a Default because the Respondent had not responded to the charges in this case. A notice of the hearing on the default was sent to the Respondent on or about August 15, 2024, by regular mail, email and by certified mail. Neither paper notice was returned as of the date of the hearing.
3. The Specification of Charges was filed in this case on or about 25 June 2024. A copy of the Specification of Charges is attached to this order. The charges were sent to the Respondent at the address which is on file with the Office of Professional Regulation on June 25, 2024, by certified mail, regular mail, and email. The certified mail green card was returned on July 17, 2024. The regular mail notice was returned unable to forward. The email did not "bounce back".
4. No answer has been filed.
5. Under the Administrative Rules of the Officer of Professional Regulation, Rule 3.4, a default may be entered when an answer is not filed within the required time period.
6. It is specifically found that the Respondent stipulated in an agreement with the Kentucky Board of Medical Licensure on April 30, 2023, that he had engaged in "dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof." He further stipulated that he had "violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation or conspired to violate any provision or term of any medical practice act, including" [the code of conduct promulgated by the Kentucky Board or valid regulations of the Kentucky Board].
7. As indicated by the Board's file and the Prosecution's presentation, because Respondent has failed to answer the charges, the factual allegations in the Specification of Charges are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board may find, based up the finding of Default from this Default Hearing held pursuant to 3 V.S.A. §809(d), that Respondent has engaged in the unprofessional

conduct alleged in the Specification of Charges. The Respondent committed unprofessional conduct by violating 3 VSA Sec. 129a(b)2) [Failure to conform to the essential standards of acceptable and prevailing practice]; 3 VSA Sec. 129a(a)(3)[Failing to comply with provision of federal or State statutes or rules governing the practice of the profession]; and 3 VSA Sec. 129a(a)(28) [Engaging in conduct of a character likely to deceive, defraud or harm the public].

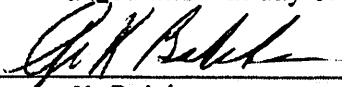
The State recommended that the Respondent's license be REVOKED.

Proposed Order

1. The License of the Respondent is **REVOKED**.

The Hearing Officer reports the above findings of facts, conclusions of law, and the proposed order to the Board or Director with the recommendation that the Board or Director approve them and enter the Order as above.

Dated this ^{24TH} th day of September 2024.



George K. Belcher

Hearing Officer of the Vermont Board of Osteopathic Physicians

The Vermont Board of Osteopathic Physicians, or the Director of the Office of Professional Regulation, considered the report of findings of fact and conclusions of law on 12/12/2024. After considering the report, the Hearing Authority takes the following action:

- / / Rejects the report and schedules the matter for hearing.
- / / Schedules the matter for additional evidence.
- / ☒ Accepts the report, adopts the findings of fact and conclusions of law, and orders the recommended discipline as set forth in the proposed order above.

SO ORDERED.

Vermont Board of Osteopathic Physicians or Director of the Office of Professional Regulation

DocuSigned by:

By: 

Vermont Board of Osteopathic Physicians

Date: 12/26/24

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 12/29/24

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Osteopathic Physicians or Director of the Office of Professional Regulation. A party aggrieved by a final decision of a board or hearing authority may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main Street, Fl. 3, Montpelier, VT 05620-3402 within 30 days of the entry of this order. If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

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

IN RE:	)	
Kenneth Schroeter	)	Docket Nos. 2024-93
License No. 032.0000522	)	2024-94

MOTION FOR DEFAULT

NOW COMES the State of Vermont, by and through Prosecuting Attorney George L. Hasselback, and pursuant to Rule 3.3 of the Administrative Rules of Practice for the Office of Professional Regulation ("ARPOPR"), hereby moves that the Board of Osteopathic Physicians (the "Board") find Respondent Kenneth Schroeter ("Respondent") in default for the reasons stated in the following Memorandum of Law.

MEMORANDUM OF LAW

Rule 3.3 of ARPOPR requires a respondent to file an answer to a specification of charges "within 20 days of the date on which the notice of charges was mailed by the Director." Under the Rules, if a respondent fails to file a timely answer, a default hearing shall be conducted. ARPOPR 3.4. At the default hearing, "the allegations of the charges will be treated as proven and disciplinary action will be taken." *Id.*

In this matter, Respondent has failed to file a response to the charges and is, therefore, in default. The State filed the Specification of Charges against Respondent on June 25, 2024. Respondent was notified of the charges by letter from the Docket Clerk of the Office of Professional Regulation, sent by both certified and first class mail, on June 25, 2024. *See* ARPOPR 3.2. Respondent's answer was due on or before July 14, 2024. *See* ARPOPR 3.4. As of this date, Respondent has failed to submit an answer.

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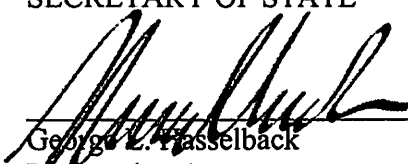
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Street
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Montpelier.

WHEREFORE, in accordance with ARPOPR 3.3, et seq., the State respectfully requests that the Board schedule a default hearing and find Respondent in default.

DATED at Montpelier, Vermont this 13th day of August 2024.

STATE OF VERMONT
SECRETARY OF STATE

By:


George L. Hasselback
Prosecuting Attorney
george.hasselback@vermont.gov

STATE OF VERMONT



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

In re: Kenneth Schroeter) **Docket Nos. 2024-93**
License no. 032.0000522) **2024-94**

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and hereby makes the following charges against Respondent Kenneth Schroeter:

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”).

Statement of Facts

2. Kenneth Schroeter ("Respondent") of Chester, New Hampshire is licensed by the State of Vermont as an Osteopathic Physician under license number 032.0000522. This license was first issued on January 5, 2005, and expires on September 30, 2024.
3. On or about April 30, 2023, Respondent signed a document entitled "Agreed Order" ("the Order").
4. The Order was also signed by, and entered by, The Kentucky Board of Medical Licensure ("the KY Board").
5. In signing the Order, Respondent stipulated that at all times relevant to the Order, he held a license to practice osteopathic medicine in the State of Kentucky.
6. Respondent further stipulated that Kentucky's Cabinet for Health and Family Services' Office of Inspector General, Drug Enforcement and Professional Practices Branch initiated an investigation into Respondent's prescription practices that commenced on or about January 26, 2022 after receiving a report that alleged Respondent was prescribing schedule II medication without proper identity verification or KASPER reporting.
7. Respondent further stipulated that after a review of Respondent's prescribing records, investigators recommended a specific review of ten (10) of Respondent's patient charts (these patients are identified below by their respective initials).

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8. Respondent further stipulated that on or about May 25, 2022, a consultant engaged by the KY Board reviewed these charts and opined that Respondent “violated, directly or indirectly, [KY] Board regulations and departed from or failed to conform to acceptable and prevailing medical practices within the Commonwealth of Kentucky.” Specifically, Respondent stipulated that the consultant concluded that:
- a. In regard to Patient JD, the licensee noted vital signs but did not document a physical examination; failed to document that he queried KASPER for patient data (especially of concern since the licensee had been warned by another provider in the past about this requirement); did not wait to assess the full effect of medication before increasing the dose on each and every visit; and prescribed a higher dosage of a long-acting medication three times a day instead of once per day;
 - b. In regard to Patient OH, the licensee failed to obtain sufficient history in a 30-year old morbidly obese patient who was being seen at a weight loss clinic and was taking phentermine; noted vital signs but did not document a physical examination; failed to query KASPER, instead of or in addition to POMP, for patient data and did not document findings of POMP; increased the patient's Adderall prescription from 10mg/2x daily to 20mg/2x daily without independently evaluating the patient and over the recommendation of the evaluating practitioner; and after being informed by another provider that the patient was on phentermine, the licensee did not contact the patient and advise him to discontinue Adderall and to schedule a follow up appointment as soon as possible;
 - c. In regard to Patient AE, the licensee failed to obtain sufficient history or conduct a sufficient physical examination and mental health assessment for a patient with hypertension, anxiety disorder, chronic pain syndrome and on multiple controlled substances; noted vital signs but did not document a physical examination; failed to query KASPER, instead of or in addition to POMP, for patient data and did not document findings of POMP; prescribed dextroamphetamine/amphetamine to a patient taking phentermine, increasing risk of hypertension and other cardiovascular and central nervous system stimulatory effects; and there were significant red flags as to whether the patient increased the dosage of her medication on her own or at the direction of the provider;
 - d. In regard to Patient CB, the licensee noted vital signs but did not document a physical examination; failed to query KASPER for patient data; prescribed dextroamphetamine/amphetamine to a patient taking suboxone, increasing risk for Serotonin syndrome which should be monitored especially during drug titration and failing to document this potential risk and plan of monitoring including patient education; and not scheduling a timely follow up for re-evaluation when he changed

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the patient to a short-acting medication based stressful circumstances in the patient's life;

- e. In regard to Patient RF, the licensee queried KASPER on the initial visit of 12/1/2020, but on subsequent visits, he documented POMP findings instead of KASPER and did not document a physical examination; and
 - f. In regard to Patients CB, JB, NN, CT and MA, the licensee did not document a physical examination or KASPER findings.
9. Respondent further stipulated that he provided further explanation to the consultant regarding these charts, but that his further explanation did not change the consultant's opinion.
10. Given these stipulated facts, Respondent stipulated to the conclusion of law that, under applicable statutes of the State of Kentucky, Respondent engaged in, "dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public or any member thereof," in that it "is calculated or has the effect of bringing the medical profession into disrepute, including but not limited to any departure from, or failure to conform to the standards of acceptable and prevailing medical practice within the Commonwealth of Kentucky, and any departure from, or failure to conform to the principles of medical ethics of the American Medical Association or the code of ethics of the American Osteopathic Association."
11. Respondent also stipulated to the conclusion of law that, under applicable statutes of the State of Kentucky, Respondent, "[v]iolated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate any provision or term of any medical practice act, including but not limited to the code of conduct promulgated by the [KY Board] under KRS 311.601 or any other valid regulation of the [KY Board]."
12. Given these stipulations of fact and law by Respondent, the KY Board took disciplinary action against his Kentucky-issued license to practice osteopathic medicine.

Violation One: 3 V.S.A. §129a(b)(2) Failure to conform to essential standards of acceptable and prevailing practice.

13. The State re-alleges and incorporates Paragraphs 2 through 12 above.
14. Under Vermont law, an Osteopathic Physician is required to conform to the essential standards of acceptable and prevailing practice.
15. Paragraphs 2 through 12 demonstrate that Respondent failed to conform to the essential standards of acceptable and prevailing practice in the following ways:

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- a. The applicable standards of care require that sufficient medical examinations of patients take place prior to the prescription of controlled substances, and Respondent did not do so.
 - b. The applicable standards of care require that queries of the KASPER system be performed and properly documented prior to the prescription of controlled substances to a patient, and Respondent did not conduct these queries and/or did not properly document any such queries.
16. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(2).

Violation Two: 3 V.S.A. § 129a(a)(28) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

17. The State re-alleges and incorporates Paragraphs 2 through 12 above.
18. Vermont law requires an Osteopathic Physician to refrain from conduct of a character likely to deceive, defraud, or harm the public.
19. Paragraphs 2 through 12 above demonstrate that Respondent engaged in conduct likely to harm the public when he:
- a. did not wait to assess the full effect of medication before increasing the dosage on each and every subsequent visit of the patient, and prescribed that patient a higher dosage of a long-acting medication three times a day instead of once per day,
 - b. increased a patient's Adderall prescription without independently evaluating the patient and over the recommendations of evaluating practitioner, and after being informed by another provider that the patient was on phentermine, did not contact the patient and advise the patient to discontinue Adderall and to schedule a follow up appointment as soon as possible,
 - c. prescribed dextroamphetamine/amphetamine to a patient taking phentermine, increasing risk of hypertension and other cardiovascular and central nervous system stimulatory effects,
 - d. and, prescribed dextroamphetamine/amphetamine to a patient taking suboxone, increasing risk for Serotonin syndrome.
20. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(28).

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Violation Three: 3 V.S.A. § 129a(a)(3) Failing to comply with provisions of federal or State statutes or rules governing the practice of the profession.

21. The State re-alleges and incorporates Paragraphs 2 through 12 above.
22. Vermont law requires an Osteopathic Physician to comply with provisions of federal or State statutes or rules governing the practice of the profession.
23. Paragraphs 2 through 12 above demonstrate that Respondent failed to comply with the provisions of State statutes or rules governing the practice of the profession in that, under applicable statutes of the State of Kentucky, Respondent, "[v]iolated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate any provision or term of any medical practice act, including but not limited to the code of conduct promulgated by the [KY Board] under KRS 311.601 or any other valid regulation of the [KY Board]."
24. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(3).

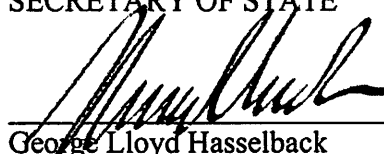
Relief Requested

WHEREFORE, Respondent's Osteopathic Physician and Surgeon license should be revoked, suspended, reprimanded, warned, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 25th day of June, 2024.

STATE OF VERMONT
SECRETARY OF STATE

By:


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