

BOARD OF MEDICAL PRACTICE

In re: Fred J. Rossman, M.D.                    )  
  ) Docket Nos. MPS 135-0912 &  
  ) MPS 060-0714

STIPULATION AND CONSENT ORDER

NOW COME Fred J. Rossman, M.D., and the State of Vermont, by and through Vermont Attorney General William H. Sorrell, and hereby stipulate and agree to the following in the above-captioned matter:

1. Fred J. Rossman, M.D. ("Respondent") holds Vermont medical license number 042.0006886 originally issued by the Vermont Board of Medical Practice on December 8, 1982.
2. Jurisdiction in this matter rests with the Vermont Board of Medical Practice ("the Board"), pursuant to 26 V.S.A. §§ 1353-1357, 3 V.S.A. §§ 809-814, and other authority.

FINDINGS OF FACT

3. The Board opened the Docket No. MPS 135-0912 matter in October of 2012 upon receipt of information concerning Respondent. The matter was assigned to the South Investigative Committee of the Board. The Board opened the Docket No. MPS 060-0714 in July of 2014 upon receipt of a complaint concerning Respondent. This matter was also assigned to the South Investigative Committee ("the Committee").
4. The Committee's investigation included, in part, the review of Respondent's records regarding his treatment of several patients for opioid dependence at Treatment Associates, Inc. Treatment Associates, Inc. is a medication-assisted

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therapy program for the treatment of opioid dependence. The program consists of medication management, group and individual therapy and accountability requirements (urine screens, pill/film counts). Respondent's treatment of these patients included the prescribing and management of buprenorphine.

5. Upon review of Respondent's patient records, the Committee's investigation determined that his records were illegible and of poor quality. Specifically, Respondent's handwritten notes in his patient charts were almost impossible to read. Respondent's notes did not contain a distinct delineation of accepted progress note organization. As such, other medical professionals attempting to review Respondent's records regarding his treatment of such patients might have difficulty determining the care that he provided.
6. The Committee also determined that Respondent's written records did not contain evidence that he consistently communicated with other medical professionals at Treatment Associates, Inc. concerning the treatment of his patients. There was minimal evidence in Respondent's patient charts that he reviewed initial or ongoing data gathered by other medical professionals who were treating his patients, or that he consistently reviewed patient drug screening results.
7. The Board's investigation found that in the course of Respondent's practice at Treatment Associates, Inc. he failed to maintain legible and adequate records of the treatment of his patients, and thereby also failed to meet the essential standards of acceptable and prevailing practice.

## CONCLUSIONS OF LAW

8. It is unacceptable medical practice for a licensee to inadequately and illegibly document his treatment of patients. Such conduct may constitute unacceptable patient care and the failure to conform to the essential standards of acceptable and prevailing practice in violation of 26 V.S.A. §§ 1354(b)(1) and (2).
9. Respondent acknowledges that it is the Board's position that if the State were to file charges against him it could satisfy its burden at a hearing and a finding adverse to him could be entered by the Board, pursuant to 26 V.S.A. § 1354(b)(2), based upon at least three acts that constitute unprofessional conduct violations.
10. Respondent agrees that the Board may enter as its facts and/or conclusions paragraphs 1 through 7 above, and further agrees that this is an adequate basis for the Board actions set forth herein. Any representation by Respondent herein is made solely for the purposes set forth in this agreement.
11. Therefore, in the interest of Respondent's desire to fully and finally resolve the matter presently before the Board, he has determined that he shall enter into the instant agreement with the Board. Respondent enters no further admission here, but to resolve this matter without further time, expense and uncertainty; he has concluded that this agreement is acceptable and in the best interest of the parties.
12. Respondent acknowledges that he is knowingly and voluntarily entering into this Stipulation and Consent Order with the Board. He acknowledges and agrees that at all times and in all communications and proceedings related to this matter before the Board he has had the right to be represented and advised by counsel.

Respondent has carefully reviewed and considered this Stipulation and Consent Order.

13. Respondent agrees and understands that by executing this document he is waiving any right to challenge the jurisdiction and continuing jurisdiction of the Board in this matter, to be presented with a specification of charges and evidence, to cross-examine witnesses, and to offer evidence of his own to contest any allegations by the State.
14. The parties agree that upon their execution of this Stipulation and Consent Order, and pursuant to the terms herein, the above-captioned matter shall be administratively closed by the Board. Thereafter, the Board will take no further action as to this matter absent non-compliance with the terms and conditions of this document by Respondent.
15. This Stipulation and Consent Order is conditioned upon its acceptance by the Vermont Board of Medical Practice. If the Board rejects any part of this document, the entire agreement shall be considered void. Respondent agrees that if the Board does not accept this agreement in its current form, he shall not assert in any subsequent proceeding any claim of prejudice from any such prior consideration. If the Board rejects any part of this agreement, none of its terms shall bind Respondent or constitute an admission of any of the facts of the alleged misconduct, it shall not be used against Respondent in any way, it shall be kept in strict confidence, and it shall be without prejudice to any future disciplinary proceeding and the Board's final determination of any charge against Respondent.

16. Respondent acknowledges and understands that this Stipulation and Consent Order shall be a matter of public record, shall be entered in his permanent Board file, shall constitute an enforceable legal agreement, and may and shall be reported to other licensing authorities, including but not limited to: the Federation of State Medical Boards Board Action Databank, the National Practitioner Data Bank, and the Healthcare Integrity and Protection Data Bank. In exchange for the actions by the Board, as set forth herein, Respondent expressly agrees to be bound by all terms and conditions of this Stipulation and Consent Order.

17. The parties therefore jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board, it may enter an order implementing the terms and conditions herein.

## ORDER

WHEREFORE, based on the foregoing, and the consent of Respondent, it is hereby ORDERED that:

- a. Respondent shall be reprimanded for the conduct set forth above;
- b. Respondent shall pay an administrative penalty of one thousand dollars (\$1,000.00) consistent with 26 V.S.A. § 1361(b). Payment shall be made to the "State of Vermont Board of Medical Practice," and shall be sent to the Vermont Attorney General's Office at the following address: Kassandra P. Diederich, Assistant Attorney General, Office of the Attorney General, 109 State Street, Montpelier, VT 05609-1001. The payment shall be due no later than 14 days after this Stipulation and Consent Order is approved by the Board.
- c. No later than one year from the date of approval of this Stipulation and Consent Order, Respondent shall successfully complete a continuing medical education ("CME") course approved by the South Investigative Committee of the Board that addresses medical record keeping. Respondent shall seek the Committee's approval of the proposed CME course no later than 60 days prior to the start date of the course. Upon Respondent's successful completion of the CME course, he shall provide the Committee with proof of attendance. Respondent shall also provide a brief written narrative of the CME course to the Committee which will document what he learned from the course, and how he will apply that knowledge to his practice. Respondent shall provide proof of attendance and written narrative to the Committee within 30 days of completion of the

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CME course. Respondent shall be solely responsible for all costs associated with the CME course.

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SIGNATURES

DATED at Montpelier, Vermont, this 29 day of July, 2015.

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

By: Kassandra P. Diederich  
Kassandra P. Diederich  
Assistant Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, VT 05609

DATED at Stowe, Vermont, this 24 day of July,  
2015.

Fred J. Rossman, M.D.  
Fred J. Rossman, M.D.  
Respondent

DATED at Burlington, Vermont, this 24 day of July, 2015.

Ritchie Berger, Esq.  
Ritchie Berger, Esq.  
Dinse, Knapp & McAndrew, P.C.  
P.O. Box 988  
209 Battery Street  
Burlington, VT 05402-0988  
Respondent

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AS TO FRED J. ROSSMAN, M.D.

APPROVED AND ORDERED  
VERMONT BOARD OF MEDICAL PRACTICE

Jc M Jc

Red Rens Jc m

Chen

Wagner Jc m

Brent Bunge

W. Jc

Maya Sam Jc m

Jc m

Re Jc m

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DATE EFFECTIVE: August 5<sup>th</sup>, 2015

DATE ENTERED: August 5<sup>th</sup>, 2015