

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In Re:)
)
Noelle Thabault) MPN 33-0206
)
Respondent)

AMENDED STIPULATION AND CONSENT ORDER

Now come Noelle Thabault, M.D. (hereinafter "Respondent") and the State of Vermont, by and through Attorney General William H. Sorrell, and stipulate to the following:

1. Respondent is currently licensed to practice medicine in the State of Vermont, holding license number 042-0008587.
2. The Vermont Medical Practice Board (hereinafter "Board") has jurisdiction over this matter pursuant to 26 VSA §§ 1353, 1354 & 1398 and 3 VSA §§ 809.

BACKGROUND

3. The Board and the Respondent entered into a Stipulation and Consent Order dated September 6, 2006, (hereinafter the Agreement). Under the agreement, Respondent completed the evaluations as requested by the Board (paragraph 7 of the Agreement), she completed the required thirty surgeries with a surgical proctor who also acted as the surgical assistant in all thirty surgeries. The surgical proctor was a physician board-certified in gynecological surgery, (paragraphs 10 and 11 of the Agreement).
4. This Amended Stipulation and Consent Order supersedes and replaces in its entirety the Agreement.
5. Nothing in this Amended Stipulation and Consent Order is intended to prevent the Respondent from taking any exam or test in order to maintain or renew her OB-GYN Board certification.

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STIPULATION OF CONDITIONS

The State agrees that the prior limitations on Respondent's practice are removed subject to the following conditions and the Respondent agrees to accept these conditions:

6. The Respondent shall continue her ongoing medical follow-ups and treatment with her treatment providers deemed necessary by the Board to assure that Respondent's application of her clinical skills and capabilities is appropriate. The on-going medical summary treatment reports shall be performed by individuals or entities approved by the Board and shall be provided to the Board quarterly on June 15, September 15, December 15, and March 15.
7. Respondent agrees to follow any recommendations of the evaluations that the Board determines necessary to assure that Respondent's application of her clinical skills and capabilities is appropriate.
8. Respondent agrees to have a monitoring physician, approved by the Board, who shall perform the following duties: (1) Perform pre-operative reviews of all non-emergency in-patient and out-patient surgery (*see paragraph 11 for definition*); (2) When possible, perform pre-operative reviews of emergency in-patient and out-patient surgery; (3) If pre-operative review of emergency surgeries is not possible Respondent shall ensure that the monitoring physician perform post-operative reviews of emergency surgeries; (4) Meet with Respondent once a month to discuss surgical cases previously reviewed and a sampling of Respondent's cases from previous months covering various medical problems normally encountered and about which Respondent has questions regarding management. Respondent shall ensure that the monitoring physician report to the Board on a quarterly basis, meaning June

15, September 15, December 15, and March 15, regarding Respondent's progress and listing the areas discussed at monthly meetings.

9. Respondent agrees that for all surgical procedures, she shall be responsible for determining whether the presence of a surgical assistant is required. Respondent agrees that if she determines that the presence of a surgical assistant is required for a procedure, she shall be responsible for determining whether such assistance shall be provided by a physician or a non-physician practitioner. Respondent agrees that she shall be responsible for requesting and ensuring that any needed surgical assistance, as determined by her, is available and present at time of the surgical procedure.
10. Respondent shall limit to twenty (20) the number of non-emergent patients that she sees daily.
11. Respondent shall limit to four (4) per day the number of non-emergent surgeries Respondent performs. The term "surgery" or "surgeries" as used in this Amended Stipulation and Consent Order shall not include in-office procedures performed by Respondent.
12. Respondent agrees to limit her call rotation to once every three days and one weekend per month but Respondent shall average one in every four days as her basic call rotation requirements. Respondent agrees to not to perform surgery on the days following her call days, except that Respondent may perform surgery on the Saturday and Sunday of her weekend call rotation if such surgery is immediately required.
13. Respondent shall ensure that her treatment providers shall provide summary quarterly reports to the Board regarding Respondent's health and well-being. The summary quarterly reports from Respondent's treatment providers shall be provided to the Board on June 15, September 15, December 15, and March 15.

14. Respondent may petition for relief from or modification of this Stipulation and Consent Order no sooner than September 1, 2008. The Respondent is bound by the terms and conditions of this Amended Stipulation and Consent Order until such time in the future as she may be expressly relieved of these terms and conditions or they are modified, in writing, by the Board.
15. Respondent agrees to provide copies of this Amended Stipulation and Consent Order to any employer or contractor or partnership involved in Respondent's practice of medicine. Respondent agrees to provide copies of the Stipulation and Consent order approved by the Board on September 6, 2006 to any employer or contractor or partnership involved in Respondent's practice of medicine.
16. Respondent shall provide a copy of the September 6, 2006 Stipulation and Consent order to her treatment providers or monitoring physician/practice mentor if requested.
17. Respondent agrees to provide copies of this Amended Stipulation and Consent Order to all Respondent's treatment providers and the monitoring physician/practice mentor.
18. Respondent acknowledges she has been advised by counsel. Respondent agrees and understands that by executing this document she is waiving the necessity of proceedings, findings, and an order by the Board, pursuant to 3 VSA §814(c). Respondent voluntarily and knowingly agrees to the terms and conditions herein.
19. Respondent understands and agrees that the Board may: (a) communicate freely and without limitation with her treatment providers in order to obtain relevant information, evaluations, and input so that the Board may monitor the Respondent but still respect the privacy of the Respondent; and, (b) obtain and review Respondent's treatment records in their entirety upon request with the exception of psychological or

psychiatric treatment records. Respondent agrees that she shall execute such waivers or releases as may be required to permit the Board or its agents to receive such information, whether orally or in writing. Respondent further agrees that the Board may require, in its sole discretion, such additional care or evaluation as it may deem necessary to monitor, assess or support Respondent. Respondent shall bear all costs of her treatment. All such information shall retain its confidential nature even though released to the Board.

20. Respondent shall execute any and all waivers that may be required for the Board, its staff or agents, to review any material related to the assessments, evaluations, or reports regarding her compliance with this Amended Stipulation and Consent Order.

21. Respondent agrees she has read and carefully considered all of the terms and conditions herein and agrees to accept and be bound by them until such time in the future as she may be expressly relieved of them or they are modified, in writing, by the Board. The Board, in its sole discretion, may consider and approve a petition from Respondent at a later date for modification or relief from these terms and conditions, should the circumstances of Respondent's medical condition or recovery so warrant. Respondent expressly agrees that she shall promptly sign any and all consents and/or waivers of confidentiality that may be required so as to permit full and complete disclosure so as to permit the Board, its staff or agents, to monitor Respondent's ability to practice medicine safely.

22. The parties agree that this Amended Stipulation and Consent Order shall be a public document, shall be made part of the Respondent's licensing file and may be reported to other licensing authorities including, but not limited to, the National Practitioner Data Base and the Federation of State Medical Boards.



23. This Amended Stipulation and Consent Order is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until presented to and approved by the Board. If the Board rejects any part of this agreement, the entire agreement shall be considered void. The parties agree and request that the Board enter an order adopting the terms and conditions set forth herein. Respondent agrees that the Board shall retain jurisdiction to enforce as necessary the terms and conditions herein, pursuant to 26 V.S.A. §1354 (25), or other statutory authority.
24. Respondent agrees that when the Amended Stipulation and Consent Order is approved by the Board, the Amended Stipulation and Consent Order is an Order of the Board pursuant to 25 V.S.A. §1354 (25) and any failure of Respondent to adhere to the conditions of this Amended Stipulation and Consent Order shall be grounds for charges of unprofessional conduct.

Dated at Burlington, Vermont this 9 day of May, 2007.

**WILLIAM SORRELL
ATTORNEY GENERAL
STATE OF VERMONT
BY**

Margaret O. Vincent
Margaret O. Vincent
Assistant Attorney General

Dated at Rutland, Vermont this 4th day of May, 2007.

Noelle C. Thabault
Noelle C. Thabault, M.D.
Respondent

FOREGOING, AS TO NOELLE C. THABAULT, M.D.,
APPROVED AND ORDERED, VERMONT BOARD
OF MEDICAL PRACTICE:

Margaret Fink Martin
[Signature]
[Signature]
Peter Thabault, MD
[Signature]

[Signature]

DATED: 5/2/01

ENTERED & EFFECTIVE: May 2, 2001

[Signature]