

a history of chronic lung problems, along with a history of pneumonia. The Respondent's assessment was "fever, etiology unclear".

6. Notwithstanding patient's earlier documented fever of unclear etiology and the patient's identified history of chronic lung problems and pneumonia, Respondent did not order a chest x-ray for patient because of the patient's benign pulmonary evaluation and the absence of any complaints of a lung nature.
7. Respondent discharged the patient to her home at a nearby assisted living facility with instructions that Grace Cottage Hospital be advised of any change in status and patient was advised to return for any problems at all.

CONCLUSIONS OF LAW

8. The Board may find "that failure to practice competently by reason of any cause on a single occasion or on multiple occasions constitutes unprofessional conduct." 26 V.S.A. § 1354(b). And "[f]ailure to practice competently includes, as determined by the board ... (2) failure to conform to the essential standards of acceptable and prevailing practice." *Id.* § 1354(b)(2).
9. Respondent's decision to not order a chest x-ray for patient, given patient's history of chronic lung problems and pneumonia and having an earlier documented fever of unclear etiology, is a failure to conform to the essential standards of acceptable and prevailing practice.
10. Respondent acknowledges that it is the Board's position that if the State were to file charges against him, it believes 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).

11. In this matter, Respondent admits all facts set forth in paragraphs 1 through 7, above, and agrees that the Board may enter as its facts and/or conclusions paragraphs 1 through 7 and further agrees that this is an adequate basis for the Board actions set forth herein. Any admissions by Respondent herein are made solely for the purposes of settlement as set forth in this Stipulation .
12. Respondent acknowledges that he is knowingly and voluntarily agreeing to this Stipulation and Consent Order with the Board. He acknowledges that he has had advice of counsel regarding this matter and in the review of this Stipulation and Consent Order. Respondent is fully satisfied with the legal representation he has received in this matter.
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, 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 Vermont Board of Medical Practice, the Board 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; and
- b. No later than six (6) months from the date that this Stipulation and Consent Order is approved by the Board, Respondent shall attend and successfully complete a continuing medical education (“CME”) course on avoiding medical errors, i.e. preventions of errors relating to clinical judgment. Respondent is encouraged to submit the name of any CME course which he proposes to attend to the Central Committee to ensure that the class meets the expectations of the Board. Following completion of the CME course, Respondent shall provide written proof of attendance, along with a brief written summary of the course and what he learned. The written summary and proof of attendance shall be submitted to the Central Investigative Committee for review.

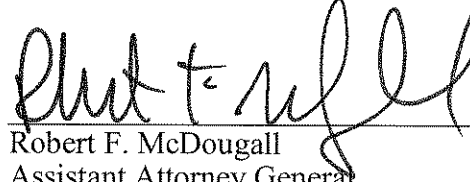
SIGNATURES

DATED at Montpelier, Vermont, this 23rd day of January, 2014.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By:



Robert F. McDougall
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609

DATED at Bellows Falls, Vermont, this 21 day of January, 2014.

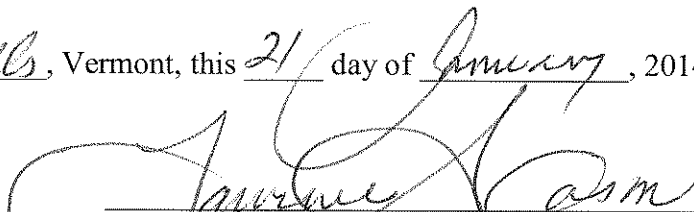


Walter J. Griffiths, M.D.

Respondent

Approved as to form:

DATED at Bellows Falls, Vermont, this 21 day of January, 2014.



Lawrence G. Slason, Esq.
Salmon & Nostrand
Centennial Arcade, Suite 300
Bellows Falls, VT 05101

Attorney for Respondent

AS TO WALTER J. GRIFFITHS, M.D.

APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

Sh Miller



Lee M. King

W. J. Griffiths

Paul Benoit, M.D.

Maureen Susan Gaudin

Patricia King, M.D.

W. J. Griffiths

Parshuram

Dated: February 5th, 2014

ENTERED AND EFFECTIVE: February 5th, 2014