

BOARD OF MEDICAL PRACTICE

In re: Christopher J. Bondi, M.D.) Docket Nos. MPS 045-0518 &
) MPS 065-0517
)

STIPULATION AND CONSENT ORDER

NOW COME Christopher J. Bondi, M.D., and the State of Vermont, by and through Vermont Attorney General Thomas J. Donovan, Jr., and hereby stipulate and agree to the following in the above-captioned matters:

1. Christopher J. Bondi, M.D. (“Respondent”) holds Vermont medical license number 042.0012095 originally issued by the Vermont Board of Medical Practice on November 17, 2010. Respondent is a physician.
2. Jurisdiction in these matters 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

Docket No. MPS 065-0517

3. The Board opened Docket No. MPS 065-0517 in May of 2017 upon receipt of information that Respondent obtained controlled substances by means of fraudulent prescriptions. The matter was assigned to the South Investigative Committee of the Board (“the Committee”).
4. Respondent has an acknowledged history of chemical dependency and substance abuse. In March of 2010 Respondent entered into a Stipulation and Consent Order with the Board as a result of a substance abuse problem that led to a collapse from an overdose of a non-prescribed medication while working as an anesthesiology

resident. Respondent received in-patient treatment for his substance abuse, and entered into a five-year monitoring contract with the Vermont Practitioner Health Program (“VPHP”), which he completed. Respondent did not complete his anesthesiology residency. Instead, he began a new residency in psychiatry. In 2015, Respondent had a relapse. He received in-patient treatment and entered into a voluntary monitoring contract with VPHP.

5. As of May of 2017, Respondent was in the fourth year of his psychiatry residency. On May 4, 2017 a pharmacist reported that Respondent picked up a prescription for hydromorphone that he had prescribed for a patient.
6. Respondent subsequently admitted that he wrote approximately twelve prescriptions for hydromorphone in the names of two different patients. He acknowledged another relapse to substance abuse and was admitted to an in-patient treatment facility.
7. The Committee’s investigation revealed that Respondent wrote and received 20 prescriptions for hydromorphone HCL, in the names of three different patients for his own use from September 30, 2015 through April 30, 2017. Hydromorphone is a Schedule II controlled substance and a regulated drug in the State of Vermont.
8. Respondent’s method of writing prescriptions for these patients involved: entering a prescription for hydromorphone for a patient; printing the prescription; voiding the prescription from the patient’s electronic health records; presenting the prescription in person to the pharmacy; presenting his driver’s license when asked for identification; waiting on site for the prescription to be filled; and leaving with the medications that he had prescribed in the name of a patient for his own use.

9. Respondent voluntarily entered into a Cessation of Practice Agreement, which was approved by the Board on June 7, 2017. On June 29, 2016, Respondent voluntarily surrendered his controlled substances privileges with the Drug Enforcement Administration ("DEA").
10. On August 1, 2017, Respondent signed a new monitoring agreement with VPHP. He has been closely monitored by VPHP since August 1, 2017. The main components of the VPHP monitoring include random observed urine tests six times per month, random hair tests once per quarter, a practice monitor, and required attendance to four to five support meetings per week. The Committee has been receiving quarterly monitoring reports regarding Respondent's compliance with the terms of his monitoring agreement.
11. [REDACTED]

Docket No. MPS 045-0518

12. The Board opened Docket No. MPS 045-0518 in May of 2018 upon receipt of information that Respondent relapsed for a third time as confirmed by a May 30, 2018 random urine test result from VPHP. Respondent admitted to another relapse to substance abuse.
13. Respondent has represented to the Board that he has been sober since this most recent relapse as evidenced by monitoring reports from VPHP that indicate that random urine and hair tests results have been negative.

CONCLUSIONS OF LAW

14. It is unprofessional conduct for a licensee to prescribe or order any drug legally classified as a controlled substance for the licensee's own use. 26 V.S.A. § 1354(a)(37).
15. It is unacceptable medical practice for a licensee to improperly prescribe controlled substances. 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).
16. Willfully making and filing false records in his or her practice as a physician constitutes unprofessional conduct. 26 V.S.A. § 1354(a)(8).
17. It is unprofessional conduct for a licensee to engage in conduct which evidences unfitness to practice medicine. 26 V.S.A. § 1354(a)(7).
18. It is illegal to obtain substances classified as regulated drugs under Vermont law, by fraud or deceit. 18 V.S.A. § 4223. It is illegal under federal law to acquire or obtain possession of controlled substances through misrepresentation, fraud, or deception, or to assist others in such acts. 21 U.S.C. §§ 841, 843. It is unprofessional conduct to fail to comply with any federal or Vermont statute governing the practice of medicine, including the Vermont statutes regarding regulated drugs and the federal statutes regarding controlled substances. 26 V.S.A. § 1354(a)(27).
19. 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(a)(27), 1354(a)(37), 1354(b)(1), 1354(a)(8) & 1354(a)(7).

20. Respondent agrees that the Board may enter as its facts and/or conclusions paragraphs 1 through 19 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.
21. Therefore, in the interest of Respondent's desire to fully and finally resolve the matters 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 these matters without further time, expense and uncertainty; he has concluded that this agreement is acceptable and in the best interest of the parties.
22. Respondent acknowledges that he is knowingly and voluntarily entering into this Stipulation and Consent Order with the Board. He acknowledges and agrees that he has had the advice of counsel regarding these matters and in the review of this Stipulation and Consent Order. Respondent is fully satisfied with the legal representation he has received in these matters.
23. 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 these matters, 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.
24. The parties agree that upon their execution of this Stipulation and Consent Order, and pursuant to the terms herein, the above-captioned matters shall be

administratively closed by the Board. Thereafter, the Board will take no further action as to these matters absent non-compliance with the terms and conditions of this document by Respondent.

25. This Stipulation and Consent Order is conditioned upon its acceptance by the Board. 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.
26. 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 and the National Practitioner 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.

27. 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:

1. Respondent's Vermont medical license shall be **suspended** for a period of three years with one year and two months of time served commencing on November 2, 2017. As such, the three-year suspension period will end on November 2, 2020 absent violations of the terms of this Order, which includes violation of a VPHP contract, or contract with another program approved by the Committee as set forth in paragraph 6 below.
2. At the end of the three-year suspension period, Respondent may not seek relief from the license suspension until the following conditions have been met:
 - a. Completion of a minimum of one full additional year of a residency training program. Within 30 days of completion of the additional year(s) of residency training, Respondent shall provide the Committee with documented proof of completion. Because Respondent must have a limited temporary license ("LTL")¹ in order to participate in a residency training program, once Respondent has been accepted into a residency training program, he may submit a written petition to the Committee requesting that he be granted an LTL. Respondent shall not petition the

¹ A license issued for the purpose of completing post-graduate training and allows the licensee to practice under the supervision and control of a Vermont-licensed physician in an ACGME-accredited training program.

Committee for the granting of an LTL prior to the residency year beginning in 2020.

- b. Prior to petitioning the Committee for an LTL, Respondent shall undergo any examination requested by the Committee, Board and/or Licensing Committee of the Board to determine his fitness to practice medicine with reasonable skill and safety. Prior to undergoing the evaluation, Respondent shall submit a written request seeking the Committee's approval regarding (1) the proposed entity to perform the evaluation which shall be performed at a pre-approved in-patient treatment facility, and (2) the form of evaluation. The evaluation must be completed and submitted to the Committee no later than one month prior to Respondent seeking relief of his license suspension.
- c. Respondent shall abide fully and in good faith with all provisions of his current VPHP contract during the entire suspension period. Respondent shall not cease, terminate or interrupt his participation in VPHP without the advance written approval of the Committee or Board, following presentation of a written petition from him in this regard. Respondent and VPHP may agree to modifications of the provisions of his VPHP contract without Board approval, with the exception of the length of time of the contract. Respondent agrees that he shall take reasonable steps to ensure that the Board and/or Committee may obtain on written request to VPHP, copies

of all written reports, information or assessments related to his participation in VPHP with regard to his care, treatment, medical history, diagnosis, test results, or other matters. Respondent expressly agrees that VPHP may directly disclose such information to the Committee and/or the Board upon receipt of a written request so as to enable the Committee and/or Board to verify the accuracy and completeness of such reports. Respondent further agrees to promptly execute any and all waivers and/or releases that may be required for VPHP to provide such reports and documentation to the Committee and/or Board.

- d. The Committee's receipt of consecutive positive monitoring reports from VPHP for the entire suspension period indicating that Respondent has been fully compliant with the terms of his VPHP monitoring contract and has remained sober.
- e. The Committee's receipt of appropriate documentation confirming that Respondent remained sober through the entire suspension period. Such documentation shall be provided by Respondent's primary treating provider for his substance use disorder.
- f. In order to seek relief from the license suspension, Respondent must submit a written request to the Committee requesting that his Vermont medical license be reinstated. If Respondent's request

for license reinstatement is granted, he will also be relieved from the terms and conditions of his Cessation of Practice Agreement.

3. Respondent shall be **reprimanded** for the conduct set forth above.
4. If Respondent's DEA prescribing privileges are reinstated, Respondent shall be prohibited from prescribing opioids for a period of one full year after the date of a Board Order granting Respondent's request for relief from the suspension of his medical license.
5. Once Respondent has been granted relief from the suspension of his medical license, he shall be permitted to practice only in a structured group setting that has been pre-approved by the Committee. Respondent shall submit a written request to the Committee seeking approval of a practice location and receive written approval from the Committee. This condition is permanent. Thus, any changes in Respondent's practice location must be approved by the Committee.
6. Respondent shall participate fully and in good faith in care, treatment and monitoring under the auspices of VPHP, or a comparable substance abuse monitoring program approved by the Committee, for a period of no less than seven years from the date of the Board Order relieving Respondent from the suspension of his medical license. If Respondent uses any program other than VPHP, he shall submit a written request to the Committee seeking approval of the substance abuse monitoring program no later than three months prior to the date that Respondent intends to seek relief from the suspension of his Vermont medical license. Respondent expressly agrees that he shall abide fully and in good faith with all requirements of the substance abuse monitoring program.

Respondent shall not cease, terminate, or interrupt his participation in the substance abuse monitoring program without the advance written approval of the Committee or Board, following presentation of a written petition from him in this regard. Respondent shall not modify the requirements of the substance abuse program without Committee approval, with the exception of the length of time of the contract, which shall not be less than seven years. Respondent agrees that he shall take reasonable steps to ensure that the Board and/or Committee may obtain on written request to the substance abuse monitoring program, copies of all written reports, documentation, information or assessments related to his participation in in the program with regard to his care, treatment, medical history, diagnosis, test results, or other matters. Respondent expressly agrees that the substance abuse treatment program may directly disclose such information to the Committee and/or Board upon receipt of a written request so as to enable the Committee and/or Board to verify the accuracy and completeness of such reports. Respondent further agrees to promptly execute any and all waivers and/or releases that may be required for the substance abuse treatment program to provide such reports and documentation to the Committee and/or Board. After seven full years of monitoring, Respondent may submit a written petition to the Committee requesting relief from this condition. However, such petition requesting relief shall not be submitted until after the Committee's receipt and approval of appropriate documentation confirming that Respondent remained sober for the entire seven-year period. Such documentation shall be provided by the

monitoring program and Respondent's primary treating provider for his substance use disorder.

7. Respondent shall pay an administrative penalty of two thousand and five dollars (\$2,500.00) 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: David Herlihy, Executive Director, Vermont Board of Medical Practice, P.O. Box 70, Burlington VT 05402-0070. The payment shall be due no later than one year from the date of a Board Order granting Respondent's petition for relief from the suspension of his Vermont medical license.

SIGNATURES

DATED at Montpelier, Vermont, this 14 day of January, 2018.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By:



Lindsay Browning
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

2018. DATED at _____, Vermont, this _____ day of _____,

Christopher J. Bondi, M.D.
Respondent

Approved as to form:

2018. DATED at _____, Vermont, this _____ day of _____,

Shireen Hart, Esq.
PRIMMER PIPER EGGLESTON &
CRAMER PC
30 Main St., Suite 500
P.O. Box 1489
Burlington, VT 05402-1489
Counsel for Respondent

SIGNATURES

DATED at Montpelier, Vermont, this ____ day of _____, 2018.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: _____

Lindsay Browning
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001


~~2018.~~ DATED at Jericho, Vermont, this 10 day of January, 2019



Christopher J. Bondi, M.D.
Respondent

Approved as to form:

~~2019.~~ DATED at Montpelier, Vermont, this 14th day of January



Shireen Hart, Esq.
PRIMMER PIPER EGGLESTON &
CRAMER PC
30 Main St., Suite 500
P.O. Box 1489
Burlington, VT 05402-1489
Counsel for Respondent

AS TO CHRISTOPHER J. BONDI, M.D.

APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

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Re - [unclear]

Renwick

Clark

[unclear] MD

Leo M. [unclear]

Jim Ryan

Dated: February 6th, 2019 Entered and effective: February 6th, 2019