

**State of New Hampshire
Board of Medicine
Concord, New Hampshire 03301**

In the Matter of:
Walter J. Griffiths, M.D.
No.: 5661
(Reciprocal Action)

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of medicine, the New Hampshire Board of Medicine ("Board") and Walter J. Griffiths, M.D. ("Dr. Griffiths" or "Respondent"), a physician licensed by the Board, do hereby stipulate and agree to enter into this Settlement Agreement resolving a New Hampshire reciprocal proceeding based on an administratively final order issued by another jurisdiction, according to the following terms and conditions:

1. Pursuant to RSA 329:17-c and Med 410.01, the Board has jurisdiction to proceed with a reciprocal proceeding against a physician upon receipt of an administratively final order from the licensing authority of another jurisdiction which imposed disciplinary sanctions against the physician.
2. Pursuant to RSA 329:18-a, III, the Board may, at any time, dispose of such allegations by settlement and without commencing a reciprocal proceeding.
3. If a reciprocal proceeding were conducted, the Board would be authorized to impose any sanction permitted by RSA 329:17, VI; RSA 329:17-c; and Med 410.01(b).
4. The Board first granted Respondent a license to practice medicine in the State of New Hampshire on January 6, 1977. Respondent holds license number 5661. Respondent practices as a family physician in Bellows Falls, Vermont.
5. On September 1, 2010, the Vermont Board of Medical Practice ("Vermont Board") issued a Stipulation and Consent Order that Respondent had signed on August 17, 2010.
6. If reciprocal proceedings were commenced, Hearing Counsel would prove that on September 1, 2010, a final administrative order was issued against Respondent by the Vermont Board. Pursuant to the Stipulation and Consent Order, Respondent was reprimanded, required to retain a "practice monitor" and required to complete continuing education in practice management and opiate maintenance treatment.
7. As a basis for proceeding against Respondent, the Board states the following:
 - A. On August 17, 2010, Respondent signed a Stipulation and Consent Order with the Vermont Board.

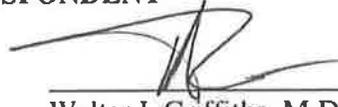
- B. On September 1, 2010, the Vermont Board issued the Stipulation and Consent Order. The issuance of the Stipulation and Consent Order constitutes a final order by the Vermont Board. (*See Attachment 1*).
8. Respondent acknowledges that the Vermont Order provides grounds for the Board to issue a reciprocal order in New Hampshire.
 9. Respondent consents to the Board imposing the following reciprocal action, pursuant to RSA 329:17, VII:
 - A. Respondent is REPRIMANDED.
 - B. Pursuant to the terms of the Vermont Board Order, Respondent is required to retain the services of a "practice monitor" to review patient care matters. Respondent shall send the practice monitor's quarterly reports to the NH Board within fifteen (15) days of their submission to the Vermont Board.
 - C. Pursuant to the terms of the Vermont Board Order, Respondent is to complete approved continuing medical education courses in the areas of practice management and opiate maintenance treatment. Within fifteen (15) days of completing these hours, Respondent shall provide written proof of completion to the NH Board.
 - D. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license.
 - E. Within ten (10) days of the effective date of this agreement, as defined further below, Respondent shall furnish a copy of the *Settlement Agreement* to any current employer for whom Respondent performs services as a physician or work which requires a medical degree and/or medical license or directly or indirectly involves patient care, and to any agency or authority which licenses, certifies or credentials physicians, with which Respondent is presently affiliated.
 - F. For a continuing period of one (1) year from the effective date of this agreement, Respondent shall furnish a copy of this *Settlement Agreement* to any employer to which Respondent may apply for work as a physician or for work in any capacity which requires a medical degree and/or medical license or directly or indirectly involves patient care, and to any agency or authority that licenses, certifies or credentials physicians, to which Respondent may apply for any such professional privileges or recognition.
 10. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 329:17, VI (d), and a separate and sufficient basis for further disciplinary action by the Board.
 11. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Order

as a factor in determining appropriate discipline should any misconduct be proven against Respondent in the future.

12. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
13. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
14. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
15. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
16. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this agreement.
17. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board during its review of this *Settlement Agreement* have prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
18. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
19. Respondent certifies that he has read this document titled *Settlement Agreement*. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the misconduct described herein.
20. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

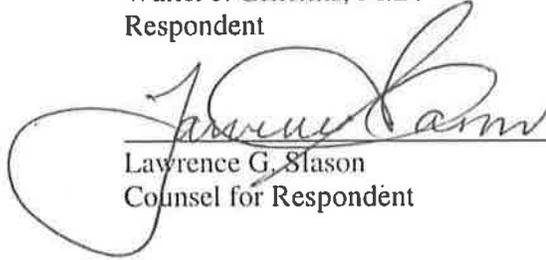
FOR RESPONDENT

Date: 7/20/11



Walter J. Griffiths, M.D.
Respondent

Date: 7/20/2011



Lawrence G. Slason
Counsel for Respondent

FOR THE BOARD/*

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: August 5, 2011



(Signature)

PENNY TAYLOR

(Print or Type Name)

Authorized Representative of the
New Hampshire Board of Medicine

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Board members, recused:
Robert Cervenka, MD

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: Walter J. Griffiths, M.D.

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Docket No. MPC 16-0209

STIPULATION AND CONSENT ORDER

CONSENT ORDER

NOW COME Walter J. Griffiths, M.D. (Respondent) and the State of Vermont, by and through Attorney General William H. Sorrell and the undersigned, Assistant Attorney General Terry Lovelace, and stipulate as follows:

1. Walter J. Griffiths, M.D., (hereinafter "Respondent"), holds Vermont Medical License Number 042-0005283, issued on June 12, 1974, and is employed as a Family Practice physician.
2. Jurisdiction vests under the Vermont Board of Medical Practice (hereinafter "Board") by virtue of 26 V.S.A. §§ 1353, 1354, 1398, 1733-39, and 3 V.S.A. §§ 809 & 814 (c).
3. Respondent acknowledges that he voluntarily enters this Stipulation and Consent Order. He further acknowledges that he had the advice of counsel regarding the matter before the Board and advice of counsel in reviewing the Stipulation and Consent Order. He agrees and understands that, by executing this document, he is waiving any right to be served with formal charges, to challenge the jurisdiction and continuing jurisdiction of the Board in these matters, to be presented with the evidence against him, to cross-examine adverse witnesses, and to offer evidence of his own to contest the State's charges. 26 V.S.A. § 1356; 3 V.S.A. §§ 809, 814.
4. The Medical Practice Board waives commencement of formal proceedings against Respondent provided he fully consents and complies with the terms and conditions of this Stipulation and Consent Order.

FINDINGS OF FACT

5. The Vermont Board of Medical Practice opened this matter for investigation on March 25, 2009 based on concerns by a Pharmacist regarding Dr. Griffiths' prescribing practices. A complaint was opened alleging possible over-prescribing of a controlled substance through prescriptions written by Respondent.
6. The Board's investigation included interviews with the Respondent, the complaint and an expert review of five of Respondent's patients' charts.
7. On or about June 5, 2009, Respondent filed a response to the allegations contained in the complaint. In his answer, Respondent asserts that he has adopted the five recommendations outlined in the Board's case closure letter¹ (See Exhibit #1) dated July 5, 2006.
8. The State asserts that Dr. Griffiths engaged in unprofessional conduct in regard to the prescription of opiate analgesics. The State asserts that Respondent has, in some instances, over-prescribed opiate medication and failed to adequately document symptoms and treatment outcomes of patients for whom opiate medications were prescribed.
9. Respondent has not previously been the subject of disciplinary action in the State of Vermont or elsewhere with regard to his license to practice medicine. Respondent has cooperated fully with the Board's investigation, produced copies of relevant patient records in his possession, and provided responses regarding his care of patients and description of prescription practices.

¹ Vermont Board of Medical Practice cases MPC 71-0405 and MPC 54-0306, closed July 5, 2009 by "Special Letter" and without disciplinary action by the Board.

CONCLUSIONS OF LAW

10. It is unacceptable medical practice and unprofessional conduct for a licensee to improperly prescribe controlled substances. Such conduct may constitute a violation of 26 V.S.A. § 1354 (b)(1) performance of unsafe or unacceptable patient care; and (2) failure to conform to the essential standards of acceptable and prevailing practice.

CONSENT

11. Respondent acknowledges that without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with 26 V.S.A. §§ 1357, 1360, 1361, 1398.

12. Respondent acknowledges that he has the following rights, among others: the right to a formal hearing before the Vermont Board of Medical Practice, the right to reasonable notice of the hearing date, time and place, the right to be represented by counsel at his own expense, the right to subpoena witnesses and compel their testimony, and the right to cross-examine witnesses against him.

13. Respondent waives all rights to a hearing, consents to an entry of this Order relative to his practice of medicine in the State of Vermont, and understands that this Order is considered public information and that matters contained herein shall be reported, as required by law, to the National Practitioner Data Bank and the Federation of State Medical Boards; See 26 V.S.A. § 1368.

ORDER

14. On the basis of the foregoing Findings of Fact and Conclusions of Law of the Vermont Board of Medical Practice, and on the consent of Respondent, it is hereby **ORDERED** that:

- (a) Respondent shall retain the services of a "practice monitor," of his choosing with the committee or board approval, who shall report to the committee on a quarterly basis. The practice monitor shall review patient care and a selection of patient charts for whom opiate medications have been prescribed and report that Respondent is prescribing within acceptable professional standards and prevailing practices. Respondent shall be solely responsible for all costs associated with the practice monitor.
- (b) Respondent shall successfully complete two classes at Case Western within one year of the entry of the Stipulation. The classes require the committee's preapproval and must address (1) Practice Management; and (2) Best practices for Opiate Maintenance Treatment. Respondent shall be responsible for all costs associated with the classes. Respondent may propose to complete his coursework elsewhere subject to preapproval by the committee.
- (c) Respondent shall accept a public reprimand.
- (d) Respondent shall give his assurance to the board that he will comply with the Board *Policy for the Use of Controlled Substances for the Treatment of Pain*.
- (e) Respondent shall dispense no medication from his office or any other location. Respondent shall not be restricted from providing immunizations or the prescription and administration of medications.

(f) Respondent shall entirely cease any medication enhanced "diet practice" at his office or at any other location.

15. Respondent, by this Order is publicly **REPRIMANDED** by the Vermont Board of Medical Practice for the conduct set forth above.

16. Respondent's license to practice medicine in the State of Vermont shall be designated as **CONDITIONED** for thirty-six months or until such time as Respondent can demonstrate to the Board's satisfaction, full compliance with the conditions in Paragraph #14 above. Respondent's Vermont license to practice medicine shall be and remain designated as "Conditioned" until such time as the Board of Medical Practice has removed all terms and conditions upon his medical license.

17. Respondent agrees that he shall provide a complete copy of this Stipulation and Consent Order to any employer and supervisor for whom he works or to any prospective employer, any State medical board or other licensing authority in any location or jurisdiction where he may seek to practice or where he may make application, so long as this agreement remains in effect.

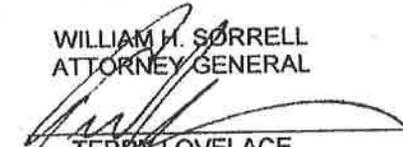
18. This Stipulation and Consent Order is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until presented to and approved by the Board. If the Board rejects any part of this Stipulation and Consent Order, the entire agreement shall be considered void.

Dated at Montpelier, Vermont, this 20, day of August, 2010.

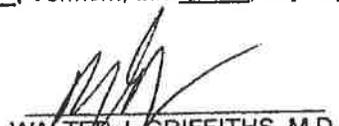
STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By:


TERRY LOVELACE
Assistant Attorney General

Dated at Bellows Falls, Vermont, this 17th, day of AUGUST, 2010.


WALTER J. GRIFFITHS, M.D.
Respondent

Dated at Bellows Falls, Vermont, this 18th, day of August, 2010.


LAWRENCE G. SLASON, ESQ.
Counsel for Respondent

AS TO WALTER J. GRIFFITHS, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

Walter J. Griffiths M.D.
John H. ... M.D.
Petra ... M.D.
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...
Margaret Fink Madlin

W. J. Griffiths

Dated: 09/01/10
Entered + Effective: 9/1/10