

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

In the Matter of:
Kristin J. Scott, P.A.
Former License No.: 0807
(Misconduct Allegations)

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 Kristin J. Scott, P.A. (“Respondent”), a physician assistant licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 328-D:6, I; RSA 329:18; RSA 329:18-a; and Medical Administrative Rule (“Med”) 206 and 210, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by physician assistants. Pursuant to RSA 329:18-a, III, the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to practice medicine as a physician assistant in the State of New Hampshire on January 5, 2011. Respondent held license number 0807 until it expired on December 31, 2018. Respondent had most recently worked for a neurology practice out of Lebanon, New Hampshire.
3. On or about May 21, 2018, the Board received a letter from Alice Peck Day Memorial Hospital which noted that it had recently been made aware of allegations

that a physician assistant on its medical staff, identified as Respondent, “engaged in multiple instances of fraudulent controlled substances prescription practices.”

4. In response to this, the Board conducted an investigation and obtained information from various sources.
5. Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel would seek to prove that Respondent engaged in professional misconduct through the introduction of evidence of the following facts:
 - A. On May 7, 2018 A.P., a physician assistant, had a phone conversation with a local pharmacy manager asking her to verify prescription for Carisoprodol (a schedule IV controlled substance, which is the generic version of the muscle relaxer, Soma). The subject prescription was purported to have been issued by A.P. for an individual herein referred to as E.S. The early refill was being requested by a female who called it into the pharmacy.
 - B. A.P. denied writing the subject prescription for E.S., who is married to Respondent. Respondent and A.P. were co-workers at the same neurology practice.
 - C. The pharmacy manager subsequently located nine (9) phoned in prescriptions for E.S. The prescriptions ranged from September 30, 2016 through May 4, 2018. All of the prescriptions were purported to have been issued by A.P. and contained three (3) refills. Five (5) of the prescriptions were for Soma and four (4) of them were for Carisoprodol. All of the prescriptions were filled

and refilled three times, except for the one called in on May 4, 2018, which was not filled at all.

D. Respondent admitted using A.P.'s name and DEA number without her permission to call in the subject prescriptions for Carisoprodol and Soma (as well as the schedule IV controlled substance Ambien) for her husband.

Respondent picked up each of the filled prescriptions.

E. Respondent further acknowledged that the prescriptions were for her own consumption and that she was treating herself for anxiety over the last couple of years. Respondent noted that her husband did not have any involvement in her course of conduct.

6. The Board finds that Respondent committed the acts as described above and concludes that (a) Respondent engaged in dishonest and unprofessional conduct under RSA 328-D:6, IV and Med 609.01 (5) and; (b) under RSA 328-D:6, IX, Respondent willfully and repeatedly violated the Guidelines for Ethical Conduct for the Physician Assistant Profession adopted by the Board in Med 609.01 (a) (8).

7. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against her license to practice as a physician assistant in the State of New Hampshire.

8. Respondent consents to the Board imposing the following discipline, pursuant to RSA 328-D:7:

A. Respondent is publicly REPRIMANDED.

- B. Respondent is required to get a FITNESS TO PRACTICE EXAMINATION through the New Hampshire Professionals Health Program (NHPHP) if and when she reapplies to the Board for licensure.
- C. In the event that Respondent becomes licensed again, her license to practice as a physician assistant will be placed on PROBATION for two (2) years from the date that Respondent becomes licensed again.
- D. Respondent is required to meaningfully participate in six (6) hours of CONTINUING MEDICAL EDUCATION in the areas of ethics. These hours shall be in addition to the hours required by the Board and shall be completed within one (1) year from the effective date of this *Settlement Agreement*. Within fifteen (15) days of completing these hours, Respondent shall notify the Board and provide written proof of completion.
- E. Respondent is assessed an ADMINISTRATIVE FINE in the amount of two thousand dollars (\$2,000). Respondent shall pay this fine in ten (10) installments of \$200 each. The first payment shall be due within thirty (30) days of the effective date of this agreement. The remaining payments shall be due within thirty (30) days of the previous payment. All payments shall be made in the form of a money order or bank check made payable to "Treasurer, State of New Hampshire" and delivered to the Board's office at 121 S. Fruit Street, Concord, New Hampshire, 03301.
- F. 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 assistant or work which requires a physician assistant degree and/or license or directly or indirectly involves caring for patients as a physician assistant, and to any agency or authority which licenses, certifies or credentials physician assistants, with which Respondent is presently affiliated.

- G. 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 assistant or for work in any capacity which requires a physician assistant degree and/or license or directly or indirectly involves caring for patients as a physician assistant, and to any agency or authority that licenses, certifies or credentials physician assistants, to which Respondent may apply for any such professional privileges or recognition.
9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 328-D:6, IV, and a separate and sufficient basis for further disciplinary action by the Board.
10. 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 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

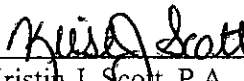
determining appropriate discipline should any further misconduct be proven against Respondent in the future.

11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
12. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to her other than those terms and conditions expressly stated herein.
13. 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.
14. Respondent understands that her action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
15. Respondent has had the opportunity to seek and obtain the advice of an attorney of her choosing in connection with her decision to enter into this agreement.
16. 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, or by, the Board surrounding its review of this *Settlement Agreement* have prejudiced her right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
17. Respondent is not under the influence of any drugs or alcohol at the time she signs this *Settlement Agreement*.

18. Respondent certifies that she has read this document titled *Settlement Agreement*. Respondent understands that she has the right to a formal adjudicatory hearing concerning this matter and that at said hearing she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her 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*, she waives these rights as they pertain to the misconduct described herein.
19. 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: 9/22/19



Kristin J. Scott, P.A.
Respondent

Date: 09-22-2019



Paul McDonough, Esq.
Counsel for Respondent

FOR THE BOARD/*

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

Date: November 21, 2019

Penny Taylor
(Signature)

PENNY TAYLOR
(Print or Type Name)
Authorized Representative of the
New Hampshire Board of Medicine

/* N/A, Board members, recused.