

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In re: Newton S. Phuong, M.D.

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Docket No. MPS 173-1221

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by and through Vermont Attorney General Charity R. Clark, and Newton S. Phuong, M.D., and stipulate and agree as follows:

1. Newton S. Phuong, M.D. (“Respondent”) was first licensed to practice medicine in Vermont on April 4, 2018. His medical license number 060.0004730 expired on June 30, 2022. Respondent is a physician.
2. Jurisdiction in this matter vests with the Board pursuant to 26 V.S.A. §§ 1353-1354, 1370-74, 1398, and 3 V.S.A. §§ 809-814, and other authority.

Findings of Fact

3. Respondent is a physician who maintains a cardiology practice in Bakersfield, California.
4. The Board opened this matter in December 2021 after the University of Vermont Medical Center notified it that it had terminated Respondent from his position as an interventional cardiology fellow. The Board assigned the investigation of the matter to the South Investigative Committee (“Committee”).
5. UVMHC’s notification to the Board stated that an employee disclosed that she had been involved in a consensual intimate relationship with Respondent during the summer and fall of 2020 and that they had engaged in consensual sexual activity in the resident call rooms at the hospital on numerous occasions.

6. UVMMC's notification further stated that the employee reported the relationship ended when she learned Respondent had made surreptitious video recordings of one or more of their intimate encounters without her knowledge or consent.

7. During UVMMC's investigation of the employee's allegations, Respondent admitted that he engaged in the alleged conduct.

8. The Committee's investigation determined that Respondent and the employee began dating in approximately December 2019 and first became sexually intimate in the spring of 2020.

9. Respondent and the employee were sexually intimate on more than one occasion in the resident call rooms at UVMMC.

10. Respondent made surreptitious video recordings of encounters with the employee without her knowledge or consent.

11. Respondent and the employee stopped seeing each other in the fall of 2020 but continued to communicate.

12. In December 2020, Respondent invited the employee to his apartment to discuss their relationship. While the employee was at his apartment, Respondent's ex-girlfriend arrived.

13. The ex-girlfriend confronted Respondent about the videos of the employee.

14. Respondent admitted that he had video recorded their intimate encounters and apologized.

Conclusions of Law

15. It is unprofessional for a Vermont-licensed physician to engage in "conduct that evidences unfitness to practice medicine." 26 V.S.A. § 1354(a)(7).

16. It is unprofessional for a Vermont-licensed physician to engage in “immoral, unprofessional, or dishonorable conduct.” 26 V.S.A. § 1398(a); *see also Perry v. Vermont Medical Practice Bd.*, 169 Vt. 399, 403 (1999) (recognizing implicit authority conferred on Board by § 1398 to revoke license for immoral or dishonorable conduct).

17. Consistent with Respondent’s cooperation with the Board, he acknowledges that if the State were to file charges 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)(7) and 1398.

18. Respondent agrees that the Board may adopt as its facts and conclusions in this matter Paragraphs 1 through 24, 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.

19. Therefore, in the interest of Respondent’s desire to fully and finally resolve the matter presently before the Board, he has determined that he shall enter into this agreement with the Board. Respondent enters no further admissions here, but to resolve this matter without further time, expense, and uncertainty he has concluded that this agreement is acceptable and in the best interest of the parties.

20. 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.

21. The parties agree that upon the Board’s acceptance of this Stipulation and Consent Order, and pursuant to the terms herein, the above-captioned matter shall be resolved 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.

22. 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.

23. 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.

24. 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 shall be REPRIMANDED for the conduct set forth above.
2. Respondent shall successfully complete the University of California San Diego School of Medicine PACE Program Professional Boundaries course no later than one (1) year after the Board approves this Stipulation and Consent Order. The course must be live and in-person or live and interactive conducted remotely. Upon successful completion of the course, Respondent shall provide the Committee with proof of attendance. Respondent shall also provide the Committee with a brief written narrative of the course which will document what he learned from the course and how he will apply that knowledge to his practice. He shall submit the written narrative within thirty (30) days after completing the course. Respondent shall be solely responsible for all costs associated with meeting this requirement.
3. Respondent shall pay an ADMINISTRATIVE PENALTY of \$7,500 pursuant to 26 V.S.A. § 1374(b)(1)(A)(iii). Payment shall be made to the "State of Vermont Board of Medical Practice" and shall be sent to the Vermont Board of Medical Practice at the following address: David Herlihy, Executive Director, Vermont Board of Medical Practice, 280 State Drive, Waterbury, VT 05671-8320. The payment shall be due no later than six (6) months after this Stipulation and Consent Order is approved by the Board.

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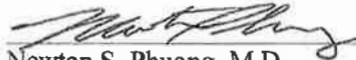
SIGNATURES

Dated at Rutland, Vermont, this ____ day of March, 2025.



Suzanne Jones, PA-C
Chair, South Investigative Committee
Vermont Board of Medical Practice

Dated at Bakersfield, California, this 20 day of March, 2025.



Newton S. Phuong, M.D.

APPROVED AS TO LEGAL FORM:

Dated at Burlington, Vermont this 24th day of March, 2025.



David M. Pocius, Esq.
Paul Frank + Collins, PC
P.O. Box 1307
Burlington, VT 054012-1307
(802) 658-2311
Counsel for Respondent

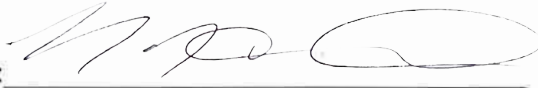
Dated at Montpelier, Vermont this 19th day of March, 2025.

Kurt A. Kuehl Digitally signed by Kurt A. Kuehl
Date: 2025.03.19 16:19:06 -04'00'

Kurt A. Kuehl
Assistant Attorney General
Vermont Attorney General's Office
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kurt.kuehl@vermont.gov

**AS TO NEWTON S. PHUONG, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE**

Signed on Behalf of the Vermont Board of Medical Practice

By: 

Rick Hildebrant, M.D.
Chair, Vermont Board of Medical Practice

Vote documented in the Vermont Board of Medical Practice meeting minutes,
dated April 2, 2025

Dated: April 2, 2025