

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE** PROTHONOTARY

**Commonwealth of Pennsylvania** :  
**Bureau of Professional and** :  
**Occupational Affairs** :  
  
vs. :  
  
**Lee Anthony Tripp, M.D.,** :  
**Respondent** :

**File No. 91-49-00095**  
**Docket No. 0412-49-95**  
DEC 30 8 38 AM '96  
BUREAU OF PROFESSIONAL  
AND  
OCCUPATIONAL AFFAIRS

**CONSENT AGREEMENT AND ORDER**

The Commonwealth and Respondent stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Medicine pursuant to the Act of December 20, 1985, P.L. 457, as amended, ("Act"), 63 P.S. §422.1-422.45.
2. Respondent held a license to practice medicine in the Commonwealth of Pennsylvania, License No. MD- 037200-E, at all times relevant and material to this matter.
3. Respondent admits the following facts are true:
  - a. On November 8, 1989, Respondent performed a cesarean on patient RB. The Operative Report and Discharge Summary were not dictated until April 26, 1990.
  - b. On November 28, 1989, Respondent performed a cesarean on patient MR. The Discharge Summary was not dictated until August 26, 1990.
  - c. On January 3, 1990, Respondent performed a cesarean on patient CW. The Operative Report was not dictated until September 2, 1991.
  - d. On January 3, 1990, Respondent made a decision to perform a cesarean on patient CW at 3:45 A.M. but failed to appear to perform the surgery until 6:30 A.M. Respondent admits that he made the decision to

perform the surgery but denies that he agreed to come to the hospital at a particular time.

e. On January 15, 1990 at 3:20 A.M., Respondent delivered a child of patient ST by vacuum extraction. At 8:00 A.M. patient ST passed a fairly large segment of placenta.

f. On March 14, 1990, Respondent performed a cesarean on patient PC. The Operative Report was not dictated until 6/12/90.

g. On March 17, 1990, Respondent performed a cesarean on patient MS. The Operative Report was not dictated until September 6, 1990 and the Discharge Summary was not dictated until May 5, 1990.

h. On April 8, 1990, Respondent performed a cesarean section on patient MG. The Discharge Summary was not dictated until July 7, 1990.

i. On April 8, 1990, Respondent had the patient referred to in paragraph h, above in the hospital. Patient MG had a blood pressure elevation as well as a post-partum infection. No progress notes were recorded by Respondent throughout the hospital stay of ten days.

j. On April 21, 1990, Respondent performed a cesarean section on patient MB. The Operative Note was not dictated until September 29, 1991 and the Discharge Summary was not dictated until July 14, 1991.

k. Medical records indicate that the midwife attempted to contact Respondent at 1:45 P.M. on April 24, 1990 regarding patient SE with respect to poor progress in labor. Respondent returned call at 2:30 P.M. and indicated he would come in. Records indicate "watch & observe only until back-up L. Tripp M.D. present." Records for April 24, 1990 at 4:30 P.M. indicate "Exam: Completely Dilated O pushing at this time - awaiting Dr. Tripp

to evaluate." Dr. Tripp arrived at 6:30 P.M. The Commonwealth alleges that Respondent attempted vacuum extraction for 6 or 7 times but the Respondent denies claiming that "there was difficulty in achieving good application of the cup due to molding of the fetal head and there were several attempts to place the cup which slipped off several times . . . ."

l. The Delivery Report for the patient referenced in paragraph k, above, was hand written on 9/23/91 on one-half sheet of paper.

m. On May 13, 1990, Respondent performed a cesarean section on patient BM. The Operative Note was not dictated until September 2, 1991 and the Discharge Summary was not dictated until August 26, 1990.

n. On July 2, 1990, Respondent performed a delivery on patient VM. The Operative Note was not dictated until September 2, 1991.

o. On October 22, 1990, Respondent performed a cesarean section on patient DA. The Discharge Summary was not dictated until July 14, 1991 and the Operative Note was not dictated until September 25, 1991.

p. On October 22, 1990, Respondent was the treating physician for the patient described in paragraph o, above. Patient DA was admitted at 1:15 A.M. at 42 weeks with spontaneous ruptured membranes revealing moderate meconium. Respondent was contacted and responded that he would be to the hospital within an hour and to be called by beeper if needed sooner. Respondent was unavailable by beeper or telephone for over three hours, even though he was called every five minutes. Respondent never did arrive and the child of DA was delivered by another physician at 7:02 A.M.

q. Respondent alleges that "[d]uring the period in which the events described in the Order to Show Cause occurred, respondent was suffering from

stress and serious emotional problems resulting in an Adjustment Disorder with Work Inhibition for which he was evaluated at that time and treated."

s. Respondent was evaluated on 3/19/96 by a Commonwealth expert who concluded that "Dr. Tripp does not currently suffer from any cognizable psychiatric disorder."

t. Since 1991, Respondent has been employed by Planned Parenthood of Southeastern Pennsylvania performing "over 8,000 pregnancy terminations with an outstanding record in regard to complications and morbidity."

4. The activities of Respondent, described above, violate the Act at 63 P.S. §422.41 (6), 49 Pa. Code §16.95 (a) in that Respondent failed to timely keep medical records and 63 P.S. §422.41 (8) in that Respondent failed to conform to a quality standard of care to his patients.

5. The parties consent to the issuance of the following Order in settlement of this matter:

a. Respondent violated the Act at 63 P.S. §422.41 (6) and (8) and 49 Pa. Code §16.95 (a).

b. Respondent's license No. MD-037200-E is REPRIMANDED.

c. Respondent shall pay a CIVIL PENALTY OF three thousand dollars (\$3,000) and reimbursement of COSTS to the Commonwealth of Pennsylvania in the amount of one thousand, two hundred dollars (\$1,200). Such civil penalty and reimbursement of costs shall be paid within ninety (90) days of the date of this order. Penalty and costs shall be payable by certified check, cashier's check, attorney's check or money order made payable to the Commonwealth of Pennsylvania and sent to Office of Prosecution, Box 2649, Harrisburg, PA., 17105-2649.

d. Respondent's medical practice and his keeping and maintenance of medical records shall be subject to supervision for a period of two years by a licensed Pennsylvania physician designated by the Board. That physician shall be Paul S. Copit, M.D., Medical Director of Planned Parenthood of Southeastern Pennsylvania, 1144 Locust Street, Philadelphia, PA 19107.

e. Dr. Copit shall report in writing to the Office of Prosecution, 116 Pine Street, Harrisburg, PA 17101, two (2) times per year with respect to the following;

1. The timeliness of Respondent's record keeping (are the records dictated/written simultaneous with the treatment or examination of the patient or on the same day of examination or treatment);

2. The quality of Respondent's record keeping (Do the records include?):

a. A complete reflection of the evaluation and treatment of the patient;

b. Information to clearly identify the patient, the date and the patient complaint and symptoms;

c. Clinical information pertaining to the patient;

d. Diagnosis, findings and result of any pathologic or clinical laboratory examination, radiology examination, medical and surgical treatment and other diagnostic, corrective or therapeutic procedures.

3. The quality of Respondent's work.

## VIOLATION OF THIS ORDER

f. Upon violation of the terms or conditions of this Consent Agreement and Order the Board shall issue to Respondent an order to show cause why his license should not be suspended and may suspend such license after an opportunity for an answer and upon a finding that Respondent has violated the Order.

g. Respondent's failure to fully comply with any terms of this Order may also constitute grounds for additional disciplinary action;

h. Nothing in this Order shall preclude the Prosecuting Attorney for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement;

i. This case shall be deemed settled and discontinued upon Board adoption of the Consent Agreement;

j. This Order shall take effect immediately upon Board adoption of the Consent Agreement.

6. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; the right to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

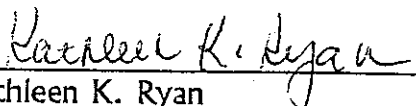
7. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this

Consent Agreement without first obtaining the express written concurrence of the Office of Prosecution.

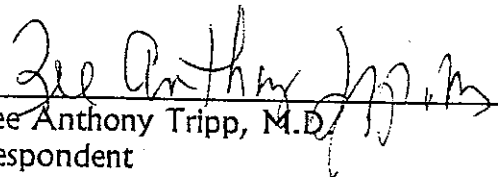
8. This Consent Agreement is between the Commonwealth and Respondent only. Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.

9. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. The participants waive any objection to a Board member's consideration of this Agreement in the event that the member participated in a prior decision to prosecute this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

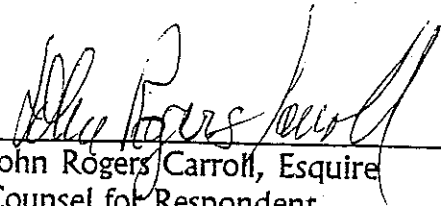
10. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Kathleen K. Ryan  
Bureau of Professional and  
Occupational Affairs

DATED: 12/2/96

  
\_\_\_\_\_  
Lee Anthony Tripp, M.D.  
Respondent

DATED:

  
\_\_\_\_\_  
John Rogers Carroll, Esquire  
Counsel for Respondent

DATED:

**ORDER**

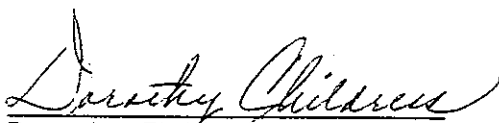
**AND NOW,** this *17<sup>th</sup>* day of *December*, 1996, the State Board of Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

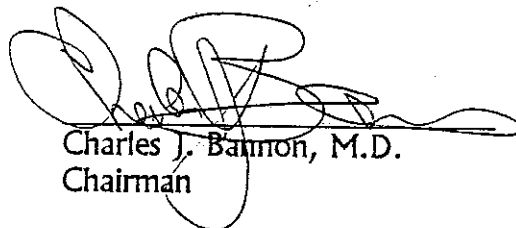
**BY ORDER:**

**BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS**

**STATE BOARD OF MEDICINE**



Dorothy Childress  
Commissioner



Charles J. Bammon, M.D.  
Chairman

Date of Mailing:

*December 30, 1996*

For the Commonwealth:

Kathleen K. Ryan  
P. O. Box 2649  
Harrisburg, PA 17105-2649

For Respondent:

John Rogers Carroll, Esquire  
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