

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
VERMONT BOARD OF DENTAL EXAMINERS**

IN RE: Robert Boyd, D.D.S.
License Number: 016-0001053

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Docket No. DE26-0504

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, through Edward Adrian, Prosecutor for the Office of Professional Regulation, and the Respondent, Robert Boyd, D.D.S., through his attorneys, Heilmann, Ekman & Associates, and enter into the following Stipulation and Consent Order.

Board Authority

1. The Board of Dental Examiners ("Board") has jurisdiction to investigate and adjudicate complaints of unprofessional conduct against dentists pursuant to 3 V.S.A. §§ 129 and 129a; 26 V.S.A. §§ 767 and 809; the Administrative Rules of the Board of Dental Examiners ("RBDE") and the Rules of the Office of Professional Regulation.

Stipulation

2. Respondent enters a plea of no contest. In so doing, Respondent agrees that if the case were to proceed to hearing and the Board believed the State's evidence, the Board could find the following as fact:

A. Respondent is a dentist licensed by the State of Vermont under license number 016-0001053.

B. On January 7, 2002, a new patient requested that Respondent provide her with needed dental work. On this date said patient disclosed that she had a condition known as trigeminal neuralgia. Respondent inquired whether the patient was being treated for trigeminal neuralgia and whether she was on narcotic medication as part of that treatment. The patient indicated that she had been unsuccessfully treated for trigeminal neuralgia and that she was not taking a narcotic medication.

C. The patient had actually been diagnosed with post-herpetic trigeminal neuralgia before January 7, 2002 and she had been prescribed a regime of narcotic medications from her primary care provider to treat the chronic nature

of the condition.

D. The Respondent did not call the primary care provider to confirm the exact condition, nor did he confirm the medication regime that the patient was prescribed by the primary care physician.

E. The Respondent's medication regime that he prescribed to deal with the patient's acute pain arising from the dental procedures and aggravated by the chronic ailment (post-herpetic trigeminal neuralgia), was not appropriate.

Understandings

3. Respondent understands that the Board must review and accept the terms of the Stipulation and Consent Order. If the Board rejects any portion of the same, it shall be void in its entirety.

4. Respondent has reviewed the Stipulation and Consent Order, agrees that it sets out the entire agreement of the parties, and is freely and voluntarily entered into.

5. Respondent waives any notification period and agrees to have this document reviewed by the Board during its next meeting. Respondent specifically waives any claim that presentation of this stipulation to the Board would prejudice his right to a fair and impartial hearing should the Board reject this stipulation.

6. Respondent voluntarily waives his right to a contested hearing before the Board.

7. Respondent voluntarily waives his right to appeal the decision and order of the Board entered under this stipulation.

8. The Respondent has had the opportunity to consult with able and competent counsel in respect to this matter.

Order

A. The Board adopts the facts as set out hereinabove and based upon the same finds that Respondent violated 3 V.S.A. §129a(b)(2) (failure to conform to standards of acceptable and prevailing practice).

B. Respondent's license is **CONDITIONED** for **ONE YEAR** to commence on the date of entry listed below. Those conditions are as follows:

1. Within one year Respondent shall complete a "mini-residency" in risk management and prescription management for patients with chronic pain issues. This program shall be approved by the Board in advance and shall be submitted within sixty (60) days of this order going into effect. The residency shall consist of supervision of and instruction by Dr. Jeffrey Crandall for a minimum of 24 hours. The Board may approve instruction by another dentist, if his or her name is submitted in advance and approved by the Board.
2. Within one year Respondent shall complete a course with a minimum of 8 hours in dental risk management approved in advance by the Board of Dental Examiners. This approval shall occur within sixty (60) days of this order going into effect.
3. Respondent's records will be subject to review by the Board of Dental Examiners for a period of one year. During that time the Board may request a random sampling of any patient prescribed narcotics during the one year period. This review shall be conducted by an individual approved by the Board. This approval shall occur within sixty (60) days of this order going into effect.

C. Respondent shall bear all costs of compliance with this order.

D. Pursuant to 3 V.S.A. §§ 129(a)(7) and 131 (c)(2)(C), this document is a public record and may be provided to other licensing authorities.

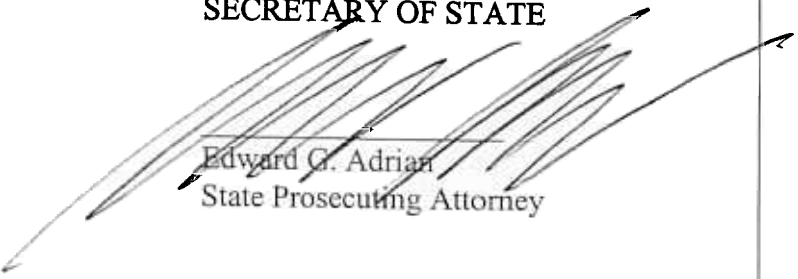
E. Respondent understands that this Stipulation and Consent Order will remain part of his licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

F. This order shall not be a basis upon which to deny Respondent's application for license renewal.

G. Any and all other charges and factual allegations found in the State's Specification of Charges dated December 8, 2004 are Dismissed.

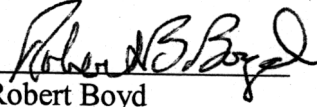
STATE OF VERMONT
SECRETARY OF STATE

Date: 9/1/05

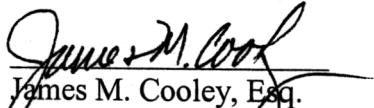

Edward G. Adrian
State Prosecuting Attorney

RESPONDENT

Date: 9-20-05


Robert Boyd
Respondent

Date: 9/20/05


James M. Cooley, Esq.
Attorney for Respondent

ACCEPTED AND SO ORDERED

Date: 10/12/05

BOARD OF DENTAL EXAMINERS

By: Richard A. DiBianco DDS
Co. Chairperson

Date entered: 10/13/05

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**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF DENTAL EXAMINERS**

IN RE:)
ROBERT B. BOYD, D.D.S.) Docket No: DE26-0504
License No.: 016-0001053)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Robert B. Boyd, D.D.S.:

Board Authority

1. The Board of Dental Examiners ("Board") has jurisdiction to investigate and adjudicate complaints of unprofessional conduct against dentists pursuant to 3 V.S.A. §§129 and 129a; 26 V.S.A. §§767 and 809; the Administrative Rules of the Board of Dental Examiners; and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Robert B. Boyd, is licensed as a dentist by the State of Vermont under license number 016-0001053. The Respondent was originally licensed on November 13, 1987 and the Respondent's license is currently set to expire on September 30, 2005.

3. The Respondent practices as a dentist at Champlain Dental Group located in South Burlington, Vermont.

4. Over the period of July 23, 2003 through April 21, 2004, the Respondent prescribed approximately 1420 tablets of Hydrocodone to patient C.B.-C. for long term pain management relating to C.B.-C.'s trigeminal neuralgia. By way of information, Hydrocodone is an opiate analgesic drug.

5. On several occasions during this period, the Respondent wrongfully prescribed Hydrocodone to C.B.-C. in large doses before the prescriptions were due to be written. The Respondent advised State Investigator Jackie Cholewa that after a dental procedure with C.B.-C., he would write out a prescription for 30 tablets of Hydrocodone which should have lasted five days. However, due to pain, C.B.-C. would take all of the medication over a three day period and C.B.-C. would call the Respondent for another prescription, which he would give.

Charges

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

6. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

- i. 26 V.S.A. §809(a)(3) (Promotion by a dentist or hygienist of the sale of drugs, devices, appliances or goods provided for a patient in a manner to exploit the patient for financial gain of the dentist or hygienist or selling, prescribing giving away or administering drugs other for legal and legitimate therapeutic purposes); and
- ii. 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession).
- iii. 3 V.S.A. §129a(b)(2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice).

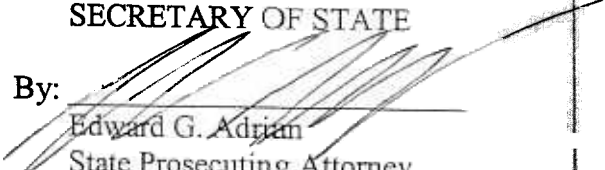
Relief Requested

WHEREFORE, the Respondent's license should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 8th day of December 2004.

STATE OF VERMONT
SECRETARY OF STATE

By:


Edward G. Adrian
State Prosecuting Attorney

de.boyd.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602