

**STATE OF VERMONT
SECRETARY OF STATE
BOARD OF DENTAL EXAMINERS**

IN RE:)
R. SCOTT DEBRUIN) **Docket No: 2012-651**
License No. 016.0001126)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Annika Green, and makes the following Charges against the Respondent, R. Scott Debruin, by and through his attorney William O'Rourke, Esq.:

Board Authority

1. The Vermont Board of Dental Examiners ("Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by dentists and dental surgeons pursuant to 3 V.S.A. §§129, 129a and 814; 26 V.S.A. §584; the Administrative Rules of the Board of Dental Examiners ("RBDE"); and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. R. Scott Debruin ("Respondent") of Enosburg Falls, Vermont, is licensed by the State of Vermont as a Dentist under license number 016.0001126. This license is active and is currently set to expire on September 30, 2015.
3. In 2006, Respondent began treating minor patient H.P., then 16 years old.
4. Respondent did not obtain consent to treat, nor an acceptable consent form from H.P.'s Parent/Guardian.
5. From approximately June 6, 2006 through March 22, 2007, Respondent prescribed 152 Lorcet pills for minor patient H.P. without proper documentation in the patient's chart.

Violations

6. Based on the evidence presented and Facts found above, the Board concludes that Respondent's acts as set forth above violate:
 - a) 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice).

STATE OF VERMONT



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Understandings

1. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
2. Respondent understands that the Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
3. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
4. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
5. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
6. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
7. Respondent voluntarily waives his right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
8. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board hereby **CONDITIONS** the Respondent's license to practice dentistry **for six (6) months commencing with the date of this Stipulation and Consent Order**. The conditions are as follows:

1) Term of Conditions:

Upon the imposition of these conditions, Respondent shall be issued a license labeled "conditioned." Respondent shall be subject to the conditions until Respondent completes a **minimum of six (6) months** of dentistry practice in which he works at least forty (40) hours every two (2) weeks as a dentist.

2) Required Coursework:

Respondent shall, within 90 days of this Order, at his own expense, complete two courses pre-approved by the Board. One course shall cover prescription writing and one course shall cover proper patient record documentation. Failure to

STATE OF VERMONT



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complete the courses within the prescribed time period shall constitute a violation of this Order.

3) Notification to Employers:

Within ten (10) days of the date of entry of this Order, Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current employment or in the event of future practice, within ten (10) days, and inform them of Respondent's conditional license status. However, if Respondent remains self-employed, this subsection shall not apply.

4) Evaluators:

Within 30 days of the date of entry of this Order, Respondent shall propose the names of three (3) dentists that are licensed and in good standing to the Board. The Board, or its designee, may approve one of the dentists. If the proposed dentists are not approved, Respondent shall submit additional names until the Board approves of one to provide the following services:

- a) The reviewing dentist shall select 12-15 patients for review, including at least 6 who are being managed on narcotics.
- b) The selected patients shall have been treated within the prior 12 months.

5) Evaluation Process:

- a) The evaluator shall check the clinical records of the patients and check the documentation for accuracy, consistency and completeness. The clinical evaluations of the patients selected shall be conducted in the Respondent's Office or in a neutral setting.
- b) The evaluator shall pay particular attention to the documentation of prescriptions, the direct interaction with patients, and the dosages given to patients.
- c) The evaluator shall report to the Board monthly regarding the documentation and his/her review.

6) Out-of-State Practice and Licensing.

Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board. Failure to seek approval shall result in out-of-state practice not being credited toward the fulfillment of the terms and conditions of this Consent Order.

If the Respondent receives discipline on a dentistry license held in another state during the conditioned period, the Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.

7) Notification of Employment/ Personal Address/Telephone Number:



Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of his current place of employment, personal address, and telephone number.

Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.

8) Notification to Other States:

In the event that the Respondent is licensed in dentistry in any other state(s), he must inform the other licensing boards of the conditional status of his Vermont dentistry license within thirty (30) days of the date of entry. However, if Respondent does not pursue licensure in another state, this subsection shall not apply.

9) License Renewal and Costs:

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. Respondent must timely apply for renewal and pay the applicable fee.

The Respondent shall bear all costs of complying with this Consent Order.

10) Violation of this Order:

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

11) Completion of Conditional License Period:

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on his license. Respondent shall have the burden of proof.

- B. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license reinstatement.
- C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a).

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- D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.
- E. This Stipulation is neither an admission of liability by the Respondent, nor a concession by the State of Vermont that its charges are not well founded. To avoid delay, uncertainty, inconvenience and expense of protracted litigation of the charges above the parties reach a full and final agreement pursuant to this Stipulation and that the Board may impose the Consent Order. The Respondent does not admit to any of the alleged facts as outlined above, but does not contest that the State could prove some or all of them by a preponderance of the evidence if this matter went to a merits hearing.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 6.9.15

By: Annika Green
Annika Green
State Prosecuting Attorney

R. SCOTT DEBRUIN
RESPONDENT

Dated: June 3, 2015

By: R. Scott DeBruin
R. Scott Debruin

WILLIAM O'ROURKE, ESQ.
ATTORNEY FOR RESPONDENT

Dated: 6/8/15

By: William O'Rourke, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF DENTAL
EXAMINERS

Dated: 6/10/15

By: William O'Rourke, Esq.
Chairperson

Date of Entry: 6/11/15

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