

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

IN RE:	)	
R. SCOTT DeBRUIN, D.D.S.	)	Docket No: 2010-304
License No. 016-0001126	)	

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont and the Respondent, R. Scott DeBruin, D.D.S. and hereby enter into the following Stipulation and Consent Order:

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. §§767 and 809; the Administrative Rules of the Board of Dental Examiners ("RBDE"); and the Rules of the Office of Professional Regulation.

Stipulated Facts

- 2) Respondent, R. Scott DeBruin, is licensed as a dentist in the State of Vermont holding license number 016-0001126. This license was originally issued on or about April 11, 1990 and is currently set to expire on September 30, 2011.
- 3) At all times relevant, the Respondent was licensed and worked as a dentist from his office located in Enosburg Falls, Vermont.
- 4) A.L. was a patient of the Respondent. A.L.'s last appointment with the Respondent was on or about July 2, 2009.
- 5) A review of A.L.'s x-rays and the dental record generated from those x-rays revealed the following:
- 6) There was periodontal disease evident in the x-rays of June 9, 2005 on the upper and lower right sides of the mouth. Similar periodontal disease was apparent in the x-rays of September 11, 2006 on teeth #18 and #30.
- 7) The Respondent's records of A.L. reveal that in a periodontal charting created by the Respondent in August, 2007 it is noted that the probing done by the Respondent caused the gums to bleed. This is a sign of periodontal disease. Based on the Respondent's observations as recorded in the x-rays and notes, he should have referred A.L. to a Periodontist in August, 2007. By not referring A.L. to a Periodontist at this time constitutes unacceptable patient care and demonstrates a failure to comply with the essential standards of acceptable and prevailing practice.

8) The Respondent placed a bridge on A.L.'s teeth #18 through #22 on or about late 2007 and early 2008. This was done despite the fact that periodontal disease was evident in tooth # 18 as far back as September 11, 2006. There was a distal abutment on the bridge on the lower left. The Respondent twice placed the bridge on periodontally unseated teeth in the lower left, teeth #18 through #22. By placing a bridge on the periodontally compromised teeth the Respondent engaged in unacceptable patient care and failed to conform to the essential standards of acceptable and prevailing practice.

Violations

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

- i. 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. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient care and (2) failure to conform to the essential standards of acceptable and prevailing practice); and
- ii. 3 V.S.A. §129a(a)(3) (failure to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Understandings

- i. The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.
- ii. The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
- iii. This Stipulation and Consent Order is entered into voluntarily by the Respondent after the opportunity to consult with legal counsel. The Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.
- iv. The Respondent is voluntarily waiving his right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
- v. The Respondent is of sound mind and is not under the influence of drugs or alcohol at the time he signs this stipulation and consent order.
- vi. Respondent agrees that the Order set forth below may be entered by the Board.
- vii. The Respondent agrees to pay any and all costs associated with this Stipulation and Consent Order

viii. 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 set forth below. 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.

WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

CONSENT ORDER

Based upon the above stipulation, it is **ORDERED AND ADJUDGED** as follows:

A. The Board of Dental Examiners hereby **CONDITIONS** the Respondent's license to practice as a dentist for a minimum period of **ONE (1) YEAR** commencing with the date of entry of this Stipulation and Consent Order. The conditions are as follows:

(1) Re-issue of License.

Upon the imposition of these conditions, Respondent shall be issued a license labeled "conditioned".

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes **one (1) year** of dental practice starting with the date of entry below.

(3) Diagnosis of Decay and Periodontal Problems Coursework.

The Respondent shall complete a minimum of twelve (12) hours of live/in-person continuing education coursework in the diagnosis of decay and periodontal problems, with a component on treatment planning. This coursework shall be pre-approved in advance by the Board or its designee. The Respondent shall not be able to utilize regularly required continuing education credits to satisfy this condition. This condition shall be completed within the one year conditioned period.

(4) Periodontal Treatment Coursework.

The Respondent shall complete a minimum of six (6) hours of live/in-person continuing education coursework in periodontal treatment. This coursework shall be pre-approved in advance by the Board or its designee. The Respondent shall not be able to utilize regularly required continuing education credits to satisfy this condition. This condition shall be completed within the one year conditioned period.

As an alternative to the coursework conditions three (3) and four (4) directly above, the Respondent may engage the services of a Periodontist mentor, pre-approved by the Board, to work with the Respondent and address the same areas contemplated by the coursework

(diagnosis of decay and periodontal problems, periodontal treatment planning and periodontal treatment). This mentor review would consist of a minimum of twelve (12) hours of one-to-one mentoring.

(5) Administrative Penalty

The Respondent shall pay an administrative penalty to the Board of One Thousand Dollars (\$1,000.00). This condition shall be completed within the one year conditioned period.

(6) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice dentistry, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that he has otherwise complied with the requirements for license renewal.

(7) Costs.

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

(8) 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.

(9) 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. The Respondent must present proof that he has fully complied with the terms of this Order.

B. Notwithstanding any provision above, the Respondent must continue to meet all Board of Dental Examiner 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).

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.

AGREED TO:

Dated:

10/3/11

STATE OF VERMONT
SECRETARY OF STATE

By:

[Signature]
Edward G. Adrian
State Prosecuting Attorney

R. SCOTT DeBRUIN, D.D.S.
RESPONDENT

Dated:

9-29-2011

By:

[Signature]
R. Scott DeBruin, D.D.S.

APPROVED AS TO FORM:

Dated:

9/30/2011

ATTORNEY FOR RESPONDENT

By:

[Signature]
William A. O'Rourke, III, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF DENTAL
EXAMINERS

Dated:

10/12/11

By:

[Signature]
Chairperson

Date of Entry:

10/12/11

de.DeBruin.stip

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602