

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

IN RE:)
WENDY KATZ EVERHART, D.D.S.)
License No. 016.0000890)

Docket No: 2012-268

STIPULATION AND CONSENT ORDER

Stipulation

NOW COME the State of Vermont, by and through State Prosecuting Attorney Edward G. Adrian, and the Respondent, Wendy Katz Everhart, D.D.S., who stipulate and agree as follows:

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. Wendy Katz Everhart, D.D.S. ("Respondent") of South Burlington, Vermont is licensed by the State of Vermont as a dentist under license number 016.0000890. This license was originally issued on or about July 7, 1982 and expires on September 30, 2013.
3. Respondent operates a dental practice in South Burlington, Vermont.
4. J.S. began working for Respondent as a dental assistant in June of 2011 on a part time basis. J.S.'s registration as a dental assistant expired on September 30, 2007, and she did not renew her registration when she began working in June of 2011.
5. Respondent has been practicing as a licensed dentist in the State of Vermont since 1981 and previously has never been subject to any complaint, investigation or other disciplinary action.
6. Respondent has accepted responsibility for the employment of an unregistered dental assistant in her office, and upon learning the facts undertook corrective actions to prevent the recurrence of any similar events going forward.

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

Violations

7. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. 3 V.S.A. § 129a(a)(6) (Delegating professional responsibilities to a person whom the licensed professional knows, or has reason to know, is not qualified by training, experience, education, or licensing credentials to perform them);
 - b. RBDE 3.1 (No person may practice in Vermont as a dental assistant unless registered by the Board as specified by these rules and the statutes).

Understandings

8. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
9. 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.
10. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
11. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
12. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
13. 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.
14. Respondent voluntarily waives her right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
15. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

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

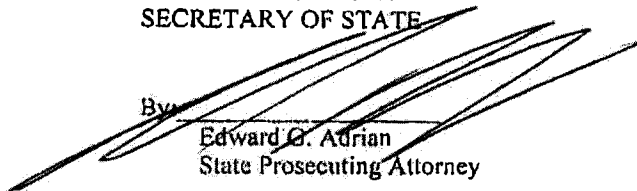
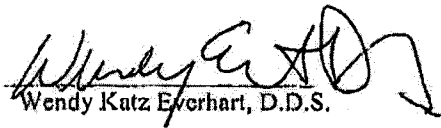
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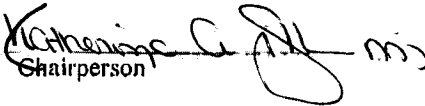
- A. The Board of Dental Examiners hereby **REPRIMANDS** the Respondent's license and imposes an **ADMINISTRATIVE PENALTY OF ONE THOUSAND DOLLARS (\$1000.00)** against the Respondent. This penalty shall be paid within sixty (60) days of the date of entry of this Order.
- B. Notwithstanding any provision above, the Respondent must continue to meet all Board of Dental Examiners 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:

STATE OF VERMONT
SECRETARY OF STATEDated: 5/22/2013By: Edward G. Adrian
State Prosecuting AttorneyWENDY KATZ EVERHART, D.D.S.
RESPONDENTDated: 5/22/2013By: 

Wendy Katz Everhart, D.D.S.

APPROVED AND SO ORDERED:

VERMONT BOARD OF DENTAL
EXAMINERSDated: 7-10-2013By: 

Chairperson

Date of Entry: 7-10-13

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