

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

IN RE:

J. ALLEN FEELEY, D.D.S.

License No.: 016-0000784

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Docket No: DE-06-1003

Stipulation and Consent Order

NOW COMES the State of Vermont through Robert H. Backus, prosecutor for the Office of Professional Regulation, and the Respondent, in person and through his attorney, Al Overton 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.

Facts

2. Respondent, J. Allen Feeley, is licensed as a dentist by the State of Vermont under license number 016-0000784.

3. Respondent maintains a dental practice at Essex Family Dental ("EFD") in Essex Junction.

4. From approximately March 31, 2000 through November 10, 2003, Respondent delegated professional responsibilities, which included taking x-rays, to Kristin Marie Cutler, a dental assistant at EFD. At that time, Kristin Marie Cutler was not qualified by registration credentials to perform professional tasks. Ms. Cutler was not registered with the State of Vermont, Board of Dental Examiners as required by RBDE, Rule 2.1.

5. Kristin Marie Cutler originally applied for registration as a traditional dental assistant on September 17, 2003. Ms. Cutler was granted registration on November 10, 2003. Respondent knew or should have known that Ms. Cutler was not registered prior to November 10, 2003.

6. From approximately April 26, 2000 through November 6, 2003, Respondent delegated professional responsibilities, which included taking x-rays, to Tracey J. Myers, a dental assistant at EFD. At that time, Tracy J. Myers was not qualified by

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

registration credentials to perform professional tasks. Ms. Myers was not registered with the State of Vermont, Board of Dental Examiners as required by RBDE, Rule 2.1.

7. Tracey J. Myers originally applied for registration as a traditional dental assistant on October 20, 2003. Ms. Myers was granted registration without radiology privileges on November 6, 2003. Respondent knew or should have known that Ms. Myers was not registered prior to November 6, 2003.

8. From approximately January 18, 2000 through November 21, 2003, Respondent delegated professional responsibilities to Jenny T. D'Amico, a dental assistant at EFD. At that time, Jenny T. D'Amico was not qualified by registration credentials to perform professional tasks. Ms. D'Amico was not registered with the State of Vermont, Board of Dental Examiners as required by RBDE, Rule 2.1.

9. Jenny T. D'Amico originally applied for registration as a certified dental assistant in January, 2001. However, Ms. D'Amico failed to submit all required documentation to the Board and the Respondent did not become registered at that time. Ms. D'Amico re-applied for registration as a certified dental assistant on September 29, 2003. Ms. D'Amico was granted registration on November 21, 2003. Respondent knew or should have known that Ms. D'Amico was not registered prior to November 21, 2003.

Charges

10. The above acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent has engaged in unprofessional conduct pursuant to:

- i. RBDE, Rule 2.1 (A person is not allowed to practice in Vermont as a dentist, dental hygienist or dental assistant unless licensed or registered by the Board); and
- ii. 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 licensed to perform them).

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UNDERSTANDINGS

11) 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 void.

- 12) Respondent has reviewed the entire document and agrees that it sets out the entire agreement of the parties, freely and voluntarily entered into.
- 13) 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 has prejudiced his right to a fair and impartial hearing should the Board reject this stipulation.
- 14) Respondent voluntarily waives his right to a contested hearing before the Board.
- 15) Respondent voluntarily waives his right to appeal the decision and order of the Board entered under this stipulation.

ORDER

A) The Board adopts the facts as set out above and based on them it finds that Respondent has committed unprofessional conduct pursuant to:

i. RBDE, Rule 2.1 (A person is not allowed to practice in Vermont as a dentist, dental hygienist or dental assistant unless licensed or registered by the Board); and

ii. 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 licensed to perform them).

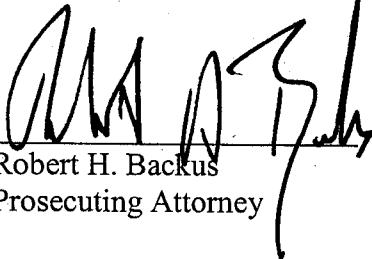
B) The Respondent's license is warned.

C) A civil penalty of seven hundred fifty dollars (\$750.00) is imposed. Respondent has sixty days from entry of this order to pay this penalty.

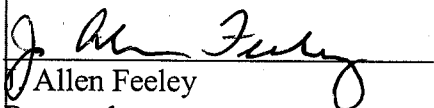
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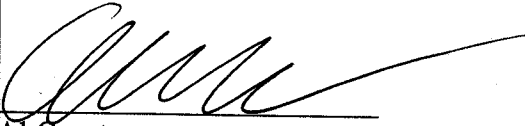
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Office of
Professional Regulation
Montpelier, VT 05602


Robert H. Backus
Prosecuting Attorney

Date: 2-9-04


Allen Feeley
Respondent

Date: 3-4-04

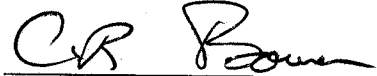

Al Overton
Attorney for Respondent

Date: 7 Mar 04

APPROVED AND SO ORDERED:

Board of Dental Examiners

Dated: 3/10/04

by: 
Chairperson

Date of entry: 3/12/04

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