

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

IN RE:

DAVID FREDRICK GAGE, D.M.D.
License No. 016-0000500

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Docket No: 2009-339 (DE)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through Prosecuting Attorney, Edward G. Adrian, and Respondent, David Fredrick Gage, D.M.D., who stipulate and agree as follows:

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, David Fredrick Gage, D.M.D., is licensed as a dentist by the State of Vermont under license number 016-0000500. This license was originally issued on or about January 20, 1971 and is currently set to expire September 30, 2011.
3. During all times relevant, the Respondent was practicing as a dentist out of offices in South Burlington, Vermont during the time period as indicated below.
4. On or about December 5, 2008 a patient of the Respondent, D.M. sent the Respondent a letter that in part stated, "I am requesting all of my dental records. This is my second request."
5. Sometime after December 5, 2008, the Respondent's office sent back a note handwritten on D.M.'s letter that stated, "[w]e cannot forward your xrays until your balance of \$465 is paid."

Charges

6. By demanding payment as a condition of providing D.M.'s dental records, the Respondent engaged in unprofessional conduct by failing to promptly make available the dental records after D.M. had made a written request.

7. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated: 3 V.S.A. § 129a(a)(8)(Failing to make available promptly to a person using professional health care services, that person's representative, succeeding health care professionals or institutions, upon written request and direction of the person using professional health care services, copies of that person's records in the possession or under the control of the licensed practitioner).

Understandings

8. 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.

9. The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.

10. 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.

11. 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.

12. Respondent agrees that the Order set forth below may be entered by the Board.

13. The Respondent agrees to pay any and all costs associated with this Stipulation and Consent Order.

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 imposes an **ADMINISTRATIVE PENALTY OF FIVE HUNDRED DOLLARS (\$500.00)** against the Respondent. This penalty shall be paid within sixty (60) days of the date of entry of this Order.

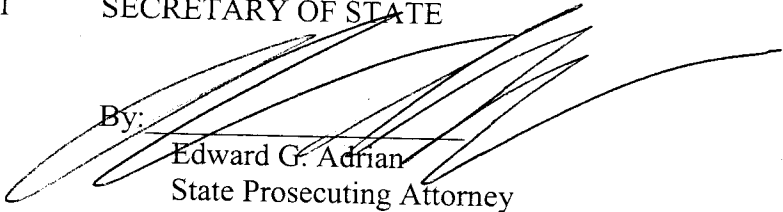
B. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

C. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO: STATE OF VERMONT

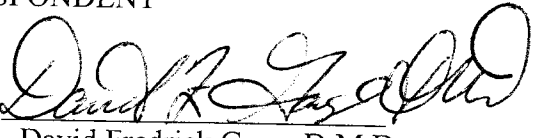
SECRETARY OF STATE

Dated: 5/11/10

By: 
Edward G. Adrian
State Prosecuting Attorney

DAVID FREDRICK GAGE
RESPONDENT

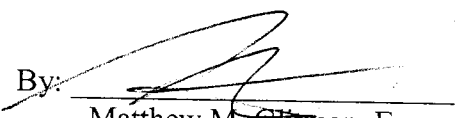
Dated: 5-3-2010

By: 
David Fredrick Gage, D.M.D.

APPROVED AS TO FORM:

ATTORNEY FOR RESPONDENT

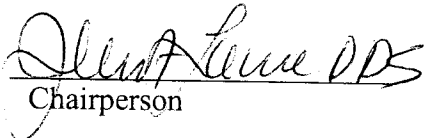
Dated: 5-6-2010

By: 
Matthew M. Gittman, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF DENTAL
EXAMINERS

Dated: 6/9/10

By: 
Chairperson

Date of Entry: 6/9/10

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