

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

IN RE:)
PETER BARRIE GRAY, D.M.D.) Docket No: 2013-115
 License No. 016-0001202)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, by and through its State Prosecuting Attorney Edward G. Adrian and the Respondent, Peter Barrie Gray, D.M.D., who hereby stipulate and agree as follows:

Board Authority

The Board of Dental Examiners (the "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; and the Rules of the Office of Professional Regulation.

Stipulated Facts

1) Respondent, Peter Barrie Gray, was licensed as a dentist in the State of Vermont holding license number 016-0001202. This license was originally issued on or about April 14, 1993 and by way of order of this Board was placed on Inactive-Conditioned status on July 13, 2012. The Respondent's license was conditioned pursuant to two separate stipulations Attachment 1A. (Note that incorporated within this attachment are the Board's Orders of March 14, 2005; July 10, 2008 (in effect until July 12, 2013); and Amendment of Conditions dated July 13, 2012). The Respondent was also disciplined by this Board on October 12, 2011. Attachment B2.

2) On February 28, 2013 the Respondent plead guilty to the following charges in criminal docket number 1460-10-10 Rdcr:

a) 33 V.S.A. § 141(d) – Fraud – Welfare – Claim for Service – FELONY (Count 13)
 On or about 06/29/06, Peter B. Gray (dob 03/05/58) of Rutland, Vermont, at Rutland, in Rutland County, Vermont, was a person who knowingly filed a false claim for services to a recipient of benefits under a state or federally funded assistance program, to wit: Peter B. Gray knowingly filed a false claim for extracting a "Complete Bone Impaction" of tooth #17 and on 06/27/06 from the mouth of Patient M, a recipient of benefits under Vermont Medicaid and/or the Vermont General Assistance Voucher program, when tooth #17 was not a "Complete Bone Impaction," all in violation of 33 V.S.A. § 141(d) and 33 V.S.A. § 143(a)(3), and against the peace and dignity of the State of Vermont.

STATE OF VERMONT



Prosecuting Attorney
 Office of
 Professional Regulation
 89 Main Street
 3rd Floor
 Montpelier, VT
 05620-3402

b) 33 V.S.A. § 141(d) – Fraud – Welfare – Claim for Service – FELONY (Count 29)
On or about 01/11/10, Peter B. Gray (dob 03/05/58) of Rutland, Vermont, at Rutland, in Rutland County, Vermont, was a person who knowingly filed a false claim for services to a recipient of benefits under a state or federally funded assistance program, to wit: Peter B. Gray knowingly filed a false claim for extracting a “Complete Bone Impaction” of tooth #17 on 01/11/10 from the mouth of Patient V, a recipient of benefits under Vermont Medicaid and/or the Vermont General Assistance Voucher program, when tooth #17 was not a “Complete Bone Impaction,” all in violation of 33 V.S.A. § 141(d) and 33 V.S.A. § 143(a)(3), and against the peace and dignity of the State of Vermont.

c) and d) 13 V.S.A. §2002 – False Pretenses or False Tokens \$900 or less – TWO MISDEMEANORS (Counts 11 and 28) (Attachment C).

3) The total of the Respondent's four consecutive sentences is 6 months to 6 years to serve with all suspended except for 110 days.

4) The two misdemeanors involving billing were related to the practice of dentistry.

Violations

The acts, omissions and/or circumstances described above, constitute grounds for discipline. Respondent has committed unprofessional conduct because Respondent violated:

1. The above acts and circumstances, alone or in combination, violate:
 - a. 3 V.S.A. § 129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession);
 - b. 3 V.S.A. § 129a(a)(10) (Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession).

Understandings

1. 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.
2. The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
3. 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.

STATE OF VERMONT



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05620-3402

4. 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.
5. Respondent agrees that the Order set forth below may be entered by the Board.
6. The Respondent may petition the Board pursuant 3 V.S.A. § 129(a)(4) to reinstate his revoked license.
7. Attachment A1 Amendment of Conditions entered on July 13, 2012 recognizes that the Respondent was diagnosed with acute clinical depression. Attachment A1 Stipulation and Consent Order dated July 10, 2008 and Attachment B1 Stipulation and Consent Order dated March 14, 2005 were both predicated on substance abuse and addiction to narcotics.

CONSENT ORDER

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

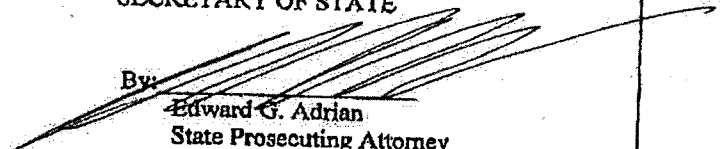
- A. The Board of Dental Examiners hereby **REVOKES** the Respondent's license to practice dentistry.
- B. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- C. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

STATE OF VERMONT

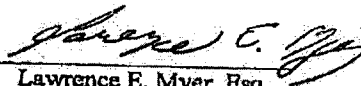


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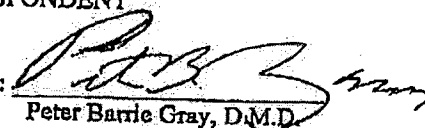
AGREED TO:

Dated: 9/6/13STATE OF VERMONT
SECRETARY OF STATEBy: Edward G. Adrian
State Prosecuting Attorney

APPROVED AS TO FORM:

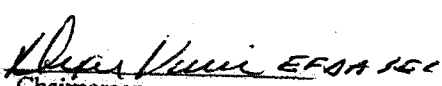
By: 

Lawrence E. Myer, Esq.

PETER BARRIE GRAY, D.M.D.
RESPONDENTDated: 9/6/13By: 

Peter Barrie Gray, D.M.D.

APPROVED AND SO ORDERED:

VERMONT BOARD OF DENTAL
EXAMINERSDated: 9/11/13By: 

Chairperson

Date of Entry: 9/11/13

STATE OF VERMONT

Prosecuting Attorney
Office of
Professional Regulation
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3rd Floor
Montpelier, VT
05620-3402

do.Gray.115.Final.doc

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

In Re: Peter Barrie Gray, D.M.D.
License No. 016-0001202

Docket No. DE04-0807

AMENDMENT OF CONDITIONS

NOW COME the State of Vermont, through Prosecuting Attorney Edward Adrian, and respondent Peter B. Gray, D.D.S., who Stipulate and Agree that the Conditions imposed upon his license in the above-captioned matter on July 10, 2008 be Amended to include the following:

Under Statement of Facts:

14. In the Fall of 2011, Dr. Gray was diagnosed with an acute clinical depression and was seeking treatment through Dr. Mark Logan and Dr. Dean McKenzie. Dr. Gray closed his office in October of 2011 as he and his physicians felt that he was not fit to render care to patients due to his mental condition.

Under Conditions:

(20) Mental Health Treatment

Respondent shall continue to receive mental health treatment from Dr. Mark Logan and Dr. Dean McKenzie, and shall follow the treatment plan outlined by these physicians;

(21) Report of Mental Health Providers to Board

Respondent shall provide a copy of this Amendment to Dr. Logan and Dr. McKenzie,

Theriault & Joslin, P.C.
Attorneys at Law
141 Main Street, Suite 4
Montpelier, VT 05602
(802) 223-2381

Attachment A1

who shall acknowledge receipt of the Amendment to the Board in writing on their letterhead. Drs. Logan and McKenzie shall thereafter report to the Board, in writing, on Respondent's progress in treatment on a quarterly basis and shall provide such other information to the Board, including written and oral information, as the Board shall request. If requested by the Board, the Respondent shall authorize both Drs. McKenzie and Logan to release to the Board their records relating to the treatment and care of the Respondent. Failure to authorize such releases shall be a violation of this Order.

(22) Preclusion of Practice

Respondent shall not engage in the practice of dentistry until the Board finds, upon the medical opinions of his physicians, that he is mentally fit to do so.

(23) Petition to Lift Conditions

At the time when Dr. Gray's physicians are of the medical opinion that his mental condition is such that he is fit to resume the practice of dentistry, Dr. Gray may petition the Board to lift these conditions. Dr. Gray shall bear the burden of demonstrating to the Board's satisfaction that he is physically and emotionally capable of resuming dental practice. Such demonstration may include, but is not limited to, documentation from Dr. Logan and Dr. McKenzie that Dr. Gray: 1) is medically and psychologically fit to return to the practice of Dentistry; 2) has completed a course of treatment as recommended by his providers; and 3) that his return to the practice of dentistry does not present a risk to the health, safety and welfare of his potential patients. Each of these requirements must be stated in the affirmative by each of Dr. Gray's providers.

(24) Conditions after Resumption of Practice

At such time as the Board elects to grant Dr. Gray's petition to resume the practice of dentistry, the Board may impose conditions which it determines to be appropriate, including but not limited to, a condition that Dr. Gray continue to receive mental health treatment and that his providers advise the Board of any relapse or deterioration in Dr. Gray's emotional condition.

All Stipulations and Conditions outlined in the July 10, 2008 Consent Order shall remain in effect.

DATED at Montpelier, Vermont this 11th day of July, 2012.

Richard A. Dickerson DDS Chair
July 19 2012

STATE OF VERMONT,
SECRETARY OF STATE,

By: *[Signature]*
Edward G. Adrian
Prosecuting Attorney

APPROVED AS TO FORM:

PETER BARRIE GRAY, D.M.D.

[Signature]
Peter B. Joslin, Esq.
Attorney for Peter B. Gray, D.M.D.

[Signature] 7/7/2012

Therault & Joslin, P.C.
Attorneys at Law
141 Main Street, Suite 4
Montpelier, VT 05602
(802) 223-2381

7/7/2012 *[Signature]*
Notary Public
-3- Exp. 2/10/2015

DATE ENTERED 7/13/12

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

IN RE:
PETER HARRIS GRAY, D.M.D.
License No.: 016-0001202

Docket No: DE04-0007

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through Prosecuting Attorney, Robert H. Beckus, and Respondent, Peter Harris Gray, D.D.S., 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. §§757 and 809; the Administrative Rules of the Board of Dental Examiners ("RDBE"); and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Peter Harris Gray, is licensed as a dentist by the State of Vermont under License number 016-0001202. The Respondent was originally licensed on April 14, 1993 and the Respondent's license is currently set to expire on September 30, 2009.
3. On October 1, 2007 the State filed a request for summary suspension based upon the following:
 4. Respondent performs many surgical extractions. He often administers Fentanyl during these procedures.
 5. Fentanyl is a Schedule II narcotic.
 6. Fentanyl in Dr. Gray's office is kept in a locked box to which he does not have access, as requested by a previous order of the Board.
 7. Staff in Dr. Gray's office have found syringes and needles in his trash. This is not how these objects are disposed of, nor should Dr. Gray have these objects in his possession according to office routine. On at least one occasion a needle recovered from the bathroom had a blue marker on it, which is used to mark Fentanyl syringes.

8. Respondent has been observed by staff taking Fentanyl filled syringes off a tray used during procedures and substituting other syringes.
9. On September 27, 2007 an investigator for the Office of Professional Regulation went to the Respondent's office in Rutland, Vermont. The Respondent was seeing patients at the time of the investigator's visit. The Respondent was administered a urine screen the same day. The results of the Respondent's urine screen were positive for Fentanyl.
10. On October 2, 2007 Respondent entered Conifer Park, to pursue an inpatient substance abuse treatment program called the Impaired Professional Program.
11. The Respondent's license was summarily suspended pursuant to a Stipulation To Suspend License entered by the Board on or about October 4, 2007.
12. Before the Respondent's license was suspended, his license was Conditioned pursuant to a Stipulation and Consent Order (the Order) entered by the Board on or about March 14, 2005. (Attachment A). This discipline was imposed due to the Respondent's conduct which included consuming cocaine, in his office, on two occasions and taking Talwin from his practice and using it, also on two occasions. (Attachment A). He also admitted to giving nitrous oxide to a former patient, in his office and after hours, for purposes unrelated to treatment. (Attachment A).
13. Paragraph 15(h) of the Order requires the Respondent to abstain from all illegal use of drugs. (Attachment A).

Charges

14. The acts, omissions and/or circumstances described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - i. 26 V.S.A. § 809(a)(2) (addiction to narcotics, habitual drunkenness or rendering professional services to a patient if the dentist or hygienist is intoxicated or under the influence of drugs);
 - ii. 26 V.S.A. § 809(a)(15) (practicing or maintaining a dental office in a manner so as to endanger the health or safety of the public);
 - iii. 3 V.S.A. § 129(a)(4) (Failing to comply with an order of the board or violating any term or condition of a license restricted by the board);
 - iv. 3 V.S.A. § 129(b)(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 failure to conform to the essential standards of acceptable and prevailing practice); and
 - v. 3 V.S.A. § 129(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Understandings

Conifer Park, 79 Champlain Road, Glenville, New York 12522 (800) 848-6446

15. 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.
16. The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
17. 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.
18. 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.
19. Respondent agrees that the Order set forth below may be entered by the Board.
20. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
21. Any other complaints, against the Respondent, pending as of the date below shall be placed out without action. There are three complaint numbers that shall be closed DB05-0806, DB06-1006 and DB07-1207.
22. The Respondent recognizes that this is his second disciplinary action involving the illegal use of drugs and if found by the Board to have engaged in similar conduct a third time, the Respondent acknowledges that such a finding is likely to result in a revocation of the Respondent's license to practice dentistry.

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

CONSENT ORDER

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

A. The Board of Dental Examiners hereby **SUSPENDS THE RESPONDENT'S LICENSE** for a minimum period of **ONE (1) YEAR**. This period of suspension shall be retroactive to October 4, 2007. Before applying for reinstatement, Respondent must obtain and provide to the Board:

- 1) Proof that he has successfully completed the in house portion of his treatment at the Talbot Recovery Campus ("Talbot") located in Atlanta, Georgia.
- 2) That he is engaged in and is currently successfully attending, to the satisfaction of the Board, all counseling and treatment as recommended by Talbot or by any counselor or treatment provider to whom he is referred by Talbot.

- 3) Documentation from all of his treatment providers at Talbot and those that he has been referred to by Talbot, indicating that a) he is fit and competent to return to the practice of Dentistry; b) that he is in full sustained remission of his addiction; and c) that his return to the practice of Dentistry does not present a risk to the health, safety or welfare of his potential patients. Each of these requirements must be stated directly in the affirmative by all of his treatment providers.
- 4) The Respondent must have a minimum of three (3) months of successful (negative) drug/alcohol tests. The Respondent shall at a minimum have two random drug/alcohol tests a month. Any testing currently being performed as part of the Respondent's recovery program may serve this purpose if approved by the Board or its designee.
- 5) The Respondent shall provide the Board with all releases necessary for the Board to verify any and all of the above.
- 6) The Respondent shall propose to the Board a system of office protocols whereby he shall not have direct access to any controlled or narcotic drugs. That any and all such medications shall be kept, administered and recorded by a staff member of the Respondent. In the event that the Respondent is employed by another practitioner, the Respondent shall verify with the Board that the other practitioner has sufficient protocols in place to insure that the Respondent does not have access to any controlled or narcotic drugs. The Board shall approve the Respondent's proposed system before his license is reinstated. Once approved, the system shall be incorporated into and shall become part of this Order.

Upon the Board finding that the Respondent has complied with conditions 1-6 above, the Respondent's license to practice dentistry shall be conditioned as set forth below.

B. Once reinstated, the Respondent's license will be **CONDITIONED FOR FIVE (5) YEARS** and limited pursuant to the Laws of the State of Vermont and the Rules of this Board. The conditions will be as follows:

(1) Re-issuance of License.

Upon the commencement 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.

(3) Completion of Substance Abuse Counseling and Treatment Plan.

Respondent shall enter into and continue substance abuse counseling with a treating professional(s) approved by the Board until the treating professional(s) shall certify in

writing to the Board that such counseling is no longer necessary. Respondent shall enter into and comply with the substance abuse treatment plan approved by the Board and the treating professional(s).

(4) Notification to Treating Professional(s).

Respondent shall provide a copy of this Stipulation and Consent Order to his treating professional(s) and cause his treating professional(s) to inform the Board, in writing and on professional(s) letterhead, of receipt of the Stipulation and Consent Order and the treating professional(s) ability to comply with the conditions related to treatment and with all other terms of this Consent Order.

(5) Reports from Treating Professional(s).

Respondent shall authorize and cause his treating professional to submit to the Board evidence of satisfactory progress with the treatment plan during the effective period of this Consent Order. These reports shall be submitted in writing. The first report is due commencing the month after the date of the commencement of the conditions and subsequent reports are due monthly thereafter.

Respondent shall authorize his treating professional to provide all information requested by the Board, either orally or in writing, at any time during the period this Consent Order is in effect.

(6) DEA Correspondence.

Respondent shall provide to the Board all correspondence involving the Federal Drug Enforcement Agency (the "DEA") and the Vermont United State's Attorney's Office from October, 2007 to the present.

(7) DEA Compliance.

Respondent shall abide by any and all agreements with the DEA.

(8) Treatment Records.

Respondent shall supply to the Board any other information that the Board reasonably deems necessary to supervision of his license for the period that his license is conditioned pursuant to this Stipulation.

(9) Participation in Recovery Groups.

Respondent shall participate in recovery groups as recommended by his treating professional(s).

(10) Random Drug and Alcohol Testing.

Respondent shall submit to random drug and alcohol screenings at the request of the Board or its designee. Respondent shall designate a person, who has been approved by the Board or its designee, to administer random drug and alcohol screens. All testing shall be done on a random, unannounced basis and analyzed by a lab qualified to analyze samples for forensic purposes and approved by the Board. All urine specimens collected for tests shall be collected in an observed setting. All screens shall be negative. Testing being performed in conjunction with his on going treatment may be accepted by the Board or its designee.

(11) Abstin from Drugs and Alcohol Use.

Respondent shall abstain completely from the consumption or possession of alcohol and drugs with the exception of medications as outlined in paragraph B.(12) for the period of time described in paragraph B.(7).

(12) Drug Use Exception.

The Respondent shall not take controlled substances unless necessary. Respondent may take scheduled/controlled medications lawfully prescribed for a bona fide illness or condition by a physician, dentist, or nurse practitioner whose identity shall be made known to the Board in writing by Respondent within forty-eight (48) hours of the establishment of the practitioner/patient relationship. Respondent shall ensure that the physician, dentist or nurse practitioner informs the Board, in writing and on appropriate letterhead, of knowledge of Respondent's substance abuse issue(s) within one (1) week of entering into the practitioner/patient relationship. Respondent shall inform the Board in writing of all scheduled/controlled medications prescribed, including the name of the prescribing practitioner, within forty-eight (48) hours of receiving the prescription.

The Board or its designee may request at any time that the practitioner document the continued necessity for the prescribed scheduled/controlled medications if the term exceeds 14 days. This includes medications to be administered as necessary. It is not anticipated that Respondent would be prescribed scheduled/controlled medication during the term of this Consent Order for a period greater than 14 days, but if so, then the Respondent shall notify the Board and provide the Board with proof that he has informed the prescribing physician with the complete history of his addiction and the physician shall certify to the Board that the medication regime is medically necessary and will be monitored. The Respondent shall also provide proof that he has informed all of his substance abuse treatment providers of the same. Proof in both instances shall be provided to the Board within fourteen (14) days of when the prescription is provided to the Respondent.

Respondent shall keep a written record of all medications taken, including over the counter drugs, and produce such record upon the request of the Board or its designee.

(13) Interview with the Board or its Designee.

Respondent shall appear in person for interviews with the Board or its designee upon request.

(14) Cooperation in Investigations.

If any complaint is filed after the date of entry below, the Respondent shall fully cooperate with the Board, support staff and any investigators working on behalf of the Board. Failure to fully cooperate would constitute a violation of this Board Order and could be the basis for further action against the Respondent's license.

(15) Incorporation of Previous Stipulation.

All terms of the Stipulation and Consent Order with the date of entry of March 14, 2003 (attached hereto), that have not been heretofore complied with, shall be complied with and incorporated into this Order.

(16) Criminal Convictions

The Respondent shall not be convicted of any crime involving the use or possession of any regulated drug, narcotic, controlled substance, illegal drug or alcohol.

(17) Notification to Other States

In the event that the Respondent is licensed in dentistry in any other state(s), he must inform the dental licensing board of the state(s) in which the Respondent is licensed of the conditional status of his Vermont dental license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it shall be considered a violation of this Order.

(18) 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 as a dentist, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that he has otherwise complied with the requirements for license renewal.

(19) Release of Information Forms

The conditions of this Order require the Respondent to authorize drug and/or alcohol treatment providers and professionals to report information in verbal and/or written format and/or to discuss the Respondent and any and all treatment rendered to the Respondent for drugs and/or alcohol with the Board or its designee. The conditions of this Order must allow any and all information from the Respondent's treatment providers to also be provided to the Office of Professional Regulation investigators and that the information may be used for further prosecutions if so warranted or if the Office of Professional Regulation determines that said information violates the terms of this Order or any rules or laws governing the profession of nursing.

The Respondent is entitled to revoke this consent at any time. However, any revocation by the Respondent of such consent to disclosure during the term of this Order shall be considered a violation of this Order.

This consent expires when the conditions are removed from the Respondent's dental license.

This Stipulation and Consent Order shall constitute a valid written consent pursuant to the requirements of 42 C.F.R. § 2.31.

The Respondent understands that his treatment provider may require him to sign a separate and distinct consent meeting the requirements of 42 C.F.R. § 2.31.

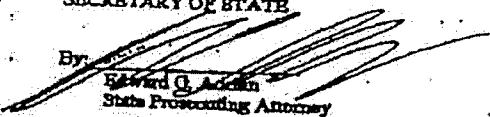
B. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a).

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

Dated: 7/3/08

SECRETARY OF STATE

By: 
Edward G. Aiken
State Prosecuting Attorney

PETER BARRIE GRAY, D.M.D.
RESPONDENT

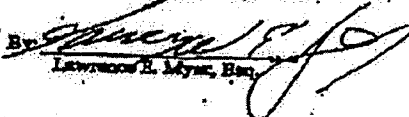
By: 
Peter Barrie Gray

Dated: 7/1/08

APPROVED AS TO FORM:

Dated: 7/2/08

ATTORNEY FOR RESPONDENT

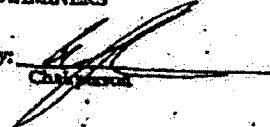
By: 
Lawrence E. Myers, Esq.

APPROVED AND SO ORDERED:

Dated: 7/8/08

Date of Entry: 7/10/08

VERMONT BOARD OF DENTAL
EXAMINERS

By: 
Chairman

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

IN RE
PETER BARRIE GRAY
License No. 016-0001202

Docket No: DE 430-0203

STIPULATION AND CONSENT ORDER

Comes Now the State of Vermont by and through Prosecuting Attorney, Robert H. Baskins and Respondent, Peter Gray, in person and through his attorney, Larry Myers, and request the Board to accept the following agreement as to the appropriate disposition in this matter. The parties 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 Board's Administrative Rules and the Office of Professional Regulation's Rules.

AGREEMENT

1. The Respondent admits to the allegations and charges set out in the attached "Amended Specification of Charges".
2. Respondent agrees that the Board may enter the Order set out below.

UNDERSTANDINGS

1. 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.
2. Respondent has reviewed the entire document and agrees that it sets out the entire agreement of the parties, freely and voluntarily entered into.
3. 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

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

Attachment A

presentation of this stipulation to the Board has prejudiced his right to a fair and impartial hearing should the Board reject this stipulation.

10. Respondent voluntarily waives his right to a contested hearing before the Board.
11. Respondent voluntarily waives his right to appeal the decision and order of the Board entered under this stipulation.
12. Respondent acknowledges the significance of learning that pain medication is prescribed to patients who require the medicine to address pain symptoms and are not solely being used for non-therapeutic purposes.

ORDER

13. The Board adopts the facts as admitted to and find that they establish the charges of unprofessional conduct set out in the "Amended Specification of Charges".
14. The Respondent's license is reprimanded.
15. The Respondent's license is conditioned for a minimum of two years from the date of entry as follows:
 - a. Respondent shall hire a qualified mental health professional (QMHP) approved by the Board. Dr. Mark Cecil, PhD, Licensed psychologist is approved by the Board.
 - b. The QMHP will first evaluate Respondent for his fitness to practice. Until deemed fit by that QMHP to practice Respondent will not practice.
 - c. The QMHP will evaluate Respondent's need for continued treatment, including mental health counseling and drug and alcohol counseling. The QMHP will make recommendations for treatment based on this evaluation and Respondent will be required to actively engage in that treatment.
 - d. If the treatment is to be done by someone other than the QMHP, then that treating professional(s) (TP) will have to be approved by the Board.
 - e. The Respondent shall meet at least once each month with the treating professional as required by that person.
 - f. The Respondent will assure that the TP(s) will submit quarterly reports to the Board, which will include information on any drug screens completed.
 - g. Respondent is required to submit to drug and alcohol screening as required by his treatment providers or the Board and to provide those results to the Board. Respondent shall arrange for at least quarterly screens in the first year after the entry of this order.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

h. Respondent shall abstain from all illegal use of drugs.

i. Respondent shall hire a dentist, approved by the Board who shall review Respondent's patient records to determine the adequacy of his record keeping and charting. This dentist will also examine patient records and prescription records to determine whether or not Respondent's practices in this area raise any concerns.

j. The Dentist will report to the Board the findings from these reviews together with any recommendations for changes in Respondent's practice. Respondent shall implement those changes.

k. The first report shall be based on twenty patient records, selected by the dentist after Respondent has hired and is due three months from the entry of this order, or three months whichever is later. Thereafter, seven reports, each based on fifteen patient records (selected by that dentist) and on the practice's prescription records, shall be done at quarterly intervals.

l. Respondent shall pay all costs associated with fulfilling the requirements of this order.

16. After two years Respondent may petition the Board to have the conditions removed from his license. Unless he is then under investigation for unprofessional conduct, or has not completed any required treatment, or has not otherwise complied with the Board's order the Board should grant the petition unless it has good cause not to.

17. Respondent shall pay an administrative penalty of two thousand dollars (\$2,000.00).

18. Within ten days of the approval of this order by the Board Respondent shall send his license to the Office of Professional Regulation so that it can issue a new one showing that it is conditional.

19. A violation of the terms of this order shall be grounds for further disciplinary action.

20. The final disposition of the complaint against Respondent is public and the Commission may notify other states of its disposition as provided in S.V.R.A. §129(a)(8).

21. 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.

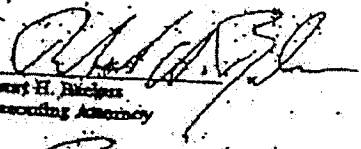
22. This order was entered into and approved by the Board on April 8, 2005. Respectfully submitted this Attorney of March, 2005.

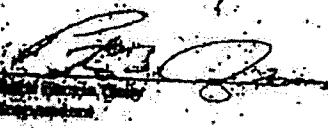
STATE OF VERMONT

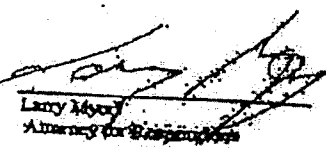


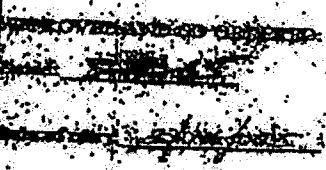
Presiding Attorney
Office of
Professional Regulation
Montpelier, VT 05602

STATE OF VERMONT
SECRETARY OF STATE


Robert H. Nichols
Prosecuting Attorney


Robert H. Nichols
Prosecuting Attorney


Larry Meyer
Attorney for Respondent


Robert H. Nichols
Prosecuting Attorney

Board of Probation & Parole
by: 
Chairman

STATE OF VERMONT



Prosecuting Attorney
Office of
Probation & Parole
Montpelier, VT 05602

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

IN RE:
PETER HARRIE GRAY, D.M.D.
License No.: 016-0001202

Docket No: DE30-0203

CHARGES

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; and the Rules of the Office of Professional Regulation.

Facts

3. The Respondent maintains a dental practice at 143 Allen Street in Rutland, Vermont.

4. On May 7, 2004, the Respondent admitted to State Investigator Jackie Cholewa to having given nitrous oxide to a former patient in his office after office hours for purposes unrelated to treatment.

5. The Respondent admitted to Ms. Cholewa to having used cocaine twice in his office after hours.

6. During the month of March 2003, staff at the Respondent's dental office had found paraphernalia indicating use of drugs by hypodermic instruments when no such instruments were used on patients that day. When the Respondent was confronted about this by his staff and state investigator Cholewa, he admitted to having used Talwin, an opiate analgesic for "severe back pain" on two occasions at the end of 2002 and the beginning of 2003. Talwin is an opiate analgesic for "severe back pain". The Respondent stated it was outdated Talwin from his office for which he had no prescription.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

7. The Respondent failed to document a prescription to C.B. for 20 Oxycodone 5-300, written on February 1, 2003.

Charge

Count 1

A. By supplying nitrous oxide to one or more individuals in his office after normal business hours for purposes not related to treatment, the Respondent has committed unprofessional conduct in violation of:

3 V.S.A. §129a(b)(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 failure to conform to the accepted standards of acceptable and prevailing practice).

Count 2

B. By using cocaine at his dental office, the Respondent has committed unprofessional conduct in violation of:

3 V.S.A. §129a(a)(3), by violating 18 V.S.A. §4214, a state statute governing the practice of the profession.

Count 3

C. By injecting himself with Talwin on at least two occasions without a prescription, the Respondent has committed unprofessional conduct in violation of:

3 V.S.A. §129a(a)(3), by violating 18 V.S.A. §4205, a state statute governing the practice of the profession.

Relief Requested

WHEREFORE, the Respondent's license should be revoked, suspended, recommended, conditioned or otherwise disciplined.

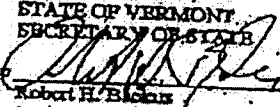
Dated at Montpelier, Vermont, March 7, 2005.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

STATE OF VERMONT
SECRETARY OF STATE

By 
Robert H. Black
State Prosecuting Attorney

STATE OF VERMONT
SECRETARY OF STATE
BOARD OF DENTAL EXAMINERS

IN RE:

PETER BARRIE GRAY, D.M.D.
License No. 016-0001202

)
)
)
Docket No: 2010-736

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, by and through its State Prosecuting Attorney Edward G. Adrian and the Respondent, Peter Barrie Gray, D.M.D. and hereby 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) Respondent, Peter Barrie Gray, D.M.D., is licensed as a dentist in the State of Vermont holding license number 016-0001202. This license was originally issued on or about April 14, 1993 and is currently set to expire on September 30, 2011. The Respondent's license is conditioned pursuant to two separate stipulations. Attachments 1 and A.
- 3) At all times relevant, the Respondent was licensed and worked as a dentist from his office located in Rutland, Vermont.
- 4) By allowing B.B. a non-endorsed registered traditional dental assistant to take radiographs the Respondent violated RBDE 7.6 as it is set forth below and failed to conform to the essential standards of acceptable and prevailing practice. The Respondent also failed to ensure that B.B. was properly endorsed to take radiographs. The Respondent disputes these exact facts but admits that the Board could find that B.B. was allowed to take radiographs. This is unprofessional conduct.
- 5) On or about December 16, 2010, the Respondent was inspected by the Vermont Occupational Safety and Health Administration ("VOSH"). The Respondent was found to have violated 29 C.F.R. § 1910.1030(h)(1)(i) in that he did not establish records in accordance with 29 C.F.R. § 1910.20 or maintain accurate medical records for each employee with occupational exposure.
- 6) The Respondent failed to maintain records in respect to employee occupational exposure. This is a violation of the federal regulations as cited above. In addition, it is a failure to

Attachment B2

conform to the essential standards of acceptable and prevailing practice. This is unprofessional conduct.

Violations

The acts, omissions and/or circumstances described above, constitute grounds for discipline. Respondent has committed unprofessional conduct because Respondent violated:

i. RBDE, 7.6 (A traditional assistant who is not a graduate of a CODA accredited program may perform all extraoral duties in the dental office or dental clinic which are assigned by the dentist. During intraoral procedures, the traditional dental assistant may assist the dentist or clinical staff as assigned by the dentist. The traditional dental assistant may take radiographs under a special endorsement of the registration); and

ii. 3 V.S.A. §129a(s)(3) (Failing 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

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. Respondent's license to practice as a dentist shall be **REPRIMANDED** and **CONDITIONED** (in addition to those conditions currently in place for Attachments 1 and A). The conditions are to run concurrent and for the same length of time as the conditions imposed in Attachment 1 (running through at least July 9, 2013) 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 continue to 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 and are to run concurrent and for the same length of time as the conditions imposed in Attachment 1 (running through at least July 9, 2013) commencing with the date of entry of this Stipulation and Consent Order.

(3) Infection Control Coursework.

The Respondent shall complete a minimum of six (6) hours of continuing education coursework on infection control. 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 six (6) months of the date of entry below. The Respondent may petition the Board to receive credit against this requirement for up to three (3) credits of infection control coursework he took in 2011.

(4) Office Inspections

The Board may conduct up to four (4) random inspections of the Respondent's Office per year. One of these per year shall be performed by a dentist retained by the Respondent and approved in advance by the Board. If the Respondent is found to be out of compliance with any law, rule or standard governing the practice of dentistry as a result of an inspection, the inspection may be used as the basis for charges of unprofessional conduct. This condition would remain in place for the same length of time as the conditions imposed in Attachment 1 (running through at least July 9, 2013) commencing with the date of entry of this Stipulation and Consent Order.

(5) Administrative Penalty

The Respondent shall pay an administrative penalty to the Board of Two Thousand Dollars (\$2,000.00). This condition shall be completed within one (1) year of the date of entry below.

(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.

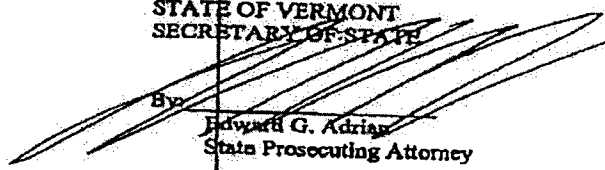
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

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: 10/12/11

STATE OF VERMONT
SECRETARY OF STATE

By: 

Edward G. Adrian
State Prosecuting Attorney

PETER BARRIE GRAY, D.M.D.
RESPONDENT

Dated: 10/6/11

APPROVED AS TO FORM:

Dated: 10/6/11

APPROVED AND SO ORDERED:

Dated: 10/12/11

Date of Entry: 10/12/11

De.gray.slp

By: Peter Barrie Gray, D.M.D.

ATTORNEY FOR RESPONDENT

By: Lawrence E. Myer, Esq.

VERMONT BOARD OF DENTAL
EXAMINERS

By: Richard A. Dickinson DDS
Chairperson

STATE OF VERMONT

SUPERIOR COURT
Rutland UnitCRIMINAL DIVISION
Docket No. 1460-10-10 Rder

STATE OF VERMONT)

v.)

PETER B. GRAY)

FILED
JAN 11 2013
VERMONT SUPERIOR COURT
RUTLAND UNITAMENDMENT OF COUNTS 11 AND 23
OF THE SECOND AMENDED INFORMATION

Now comes, by the authority of the State of Vermont, the Attorney General for the State of Vermont, upon his oath of office, amending Counts 11 and 23 of the Second Amended Information, and charging as follows:

13V2002M
COUNT 11
(PATIENT K)
FALSE PRETENSES LESS THAN \$900

On or about 02/11/05, Peter B. Gray (dob 03/05/58) of Rutland, Vermont, at Rutland, in Rutland County, Vermont, was a person who designedly by false pretenses and with intent to defraud, obtained money from another person in an amount less than \$900, to wit: on or about 01/31/05, Peter B. Gray filed a false claim with HP Enterprise Services, the fiscal agent for the Vermont Medicaid Program and GA Dental Voucher Program, for the purpose of obtaining payment to himself of less than \$900 for extracting a "Complete Bone Impaction" of tooth #16 from the mouth of Patient K, on or about 01/26/05, when tooth #16 was not a "Complete Bone Impaction," all in violation of 13 V.S.A. § 2002, and against the peace and dignity of the State of Vermont.

PENALTY: Imprisonment for not more than one year or fined not more than \$1,000, or both.

Office of the
ATTORNEY
GENERAL
Montpelier,
Vermont 05609

Attachment C

13V2002M
COUNT 28
(PATIENT T) *U* *CAB*

FALSE PRETENSES LESS THAN \$900

12/25/09
On or about ~~02/26/10~~, Peter B. Gray (dob 03/05/58) of Rutland, Vermont, at Rutland, in Rutland County, Vermont, was a person who designedly by false pretenses and with the intent to defraud, obtained money from another person in an amount less than \$900, to wit: on or about *12/17/09 CAB* ~~02/16/10~~, Peter B. Gray filed a false claim with HP

Enterprise Services, the fiscal agent for the Vermont Medicaid Program and GA Dental

Voucher Program, for the purpose of obtaining payment of less than \$900 for the *to himself CAB*

for extracting a "Complete Bone Impaction of Patient T's"
excision of a benign lesion (facial mole) from the cheek of Patient T, on or about *CAB*

12/17/09 Patient T was not a complete bone impaction CAB
~~12/15/09~~, when excision of Patient T's facial mole was not an emergency as defined by

CAB the GA Dental Voucher Program guidelines, all in violation of 13 V.S.A. § 2002, and against the peace and dignity of the State of Vermont.

PENALTY: Imprisonment for not more than one year or fined not more than \$1,000, or both.

Dated: January 10, 2013

STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

By:

[Signature]
Linda A. Purdy
Steven J. Monde
Assistant Attorneys General
109 State Street
Montpelier, Vermont 05609-1001
802-828-5511

Office of the
ATTORNEY
GENERAL
Montpelier,
Vermont 05609

cc: Richard Rubin, Esq.
Kerry DeWolfe, Esq.