

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

IN RE)
PETER BARRIE GRAY) Docket No: DE 430-0203
License No. 016-0001202)

STIPULATION AND CONSENT ORDER

Comes Now the State of Vermont by and through Prosecuting Attorney, Robert H. Backus and Respondent, Peter Gray, in person and through his attorney, Larry Myer, and request the Board to accept the following agreement as to the appropriate disposition in this matters. 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

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

UNDERSTANDINGS

- 7 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.
8. Respondent has reviewed the entire document and agrees that it sets out the entire agreement of the parties, freely and voluntarily entered into.
- 9 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

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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 insuring 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.

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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 practices. Respondent shall implement those changes.

k. The first report shall be based on twenty patient records selected by the dentist Respondent has hired and is due three months from the entry of this order, or three months after Respondent resumes practice per the requirements of paragraph "b" above, 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 conditioned.

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 3 V.S.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.

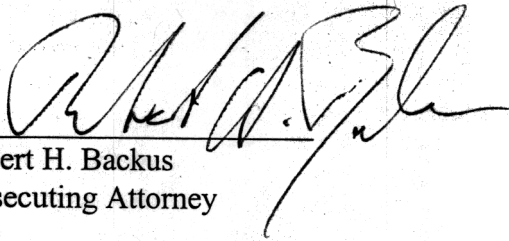
22. This order goes into effect ~~30 days~~ on April 8, 2005
Respectfully submitted this City of March, 2005

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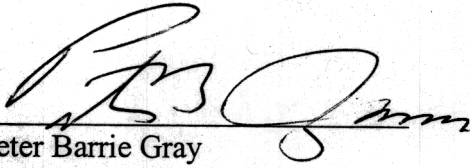


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STATE OF VERMONT
SECRETARY OF STATE



Robert H. Backus
Prosecuting Attorney



Peter Barrie Gray
Respondent



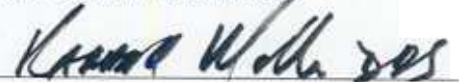
Larry Myers
Attorney for Respondent

APPROVED AND SO ORDERED:

Dated: 3-9-05

Date of entry: 3/14/05

Board of Dental Examiners

by: 
Chairperson

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Prosecuting Attorney
Office of
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Montpelier, VT 05602

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

IN RE:)
PETER BARRIE GRAY, D.M.D.) **Docket No: DE30-0203**
License No.: 016-0001202)

AMENDED SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Peter Barrie Gray, D.M.D.:

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

2. The Respondent, Peter Barrie 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, 2005.

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.

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7. The Respondent failed to document a prescription to C.B. for 20 Oxycodone 5-500, written on February 1, 2003.

Charges

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 essential 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, reprimanded, conditioned or otherwise disciplined.

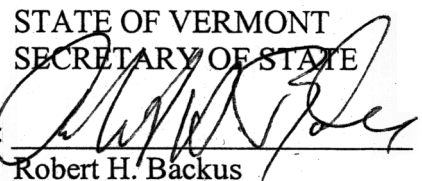
Dated at Montpelier, Vermont, March 7, 2005.

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By: 

Robert H. Backus
State Prosecuting Attorney