

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

IN RE:)
WILLIAM HARM, D.M.D.) Docket No: 2010-349
License No. 016-0002254)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, by and through its State Prosecuting Attorney S. Lauren Hibbert and Respondent, William Harm, D.M.D.:

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. §§582 and 584; the Administrative Rules of the Board of Dental Examiners ("RBDE"); and the Rules of the Office of Professional Regulation.

Stipulated Facts

2. Respondent, William Harm, is licensed as a dentist in the State of Vermont holding license number 016-0002254. This license was originally issued on or about July 17, 2007 and is currently set to expire on September 30, 2015.
3. At all times relevant, the Respondent was licensed and worked as a dentist from the offices of the Dental Clinic of the Community Health Centers of the Rutland Region (CHCRR) in Rutland, Vermont.
4. Another dentist for the CHCRR, Dr. J.G. DMD, filed a complaint with the Office of Professional Regulation alleging that the Respondent had provided substandard care to a number of patients at CHCRR.
5. After a comprehensive investigation it was determined that Respondent did provide substandard care to six (6) patients including the placement of sedative fillings in teeth that exhibited decay, the placement of sedative fillings in teeth before required periodontal surgery and prosthetic reconstruction was preformed, and took insufficient x-rays before treatment.
6. Respondent is at the end of his career and has decided to retire. He has requested in lieu of litigating the issues below the Board accept his voluntary surrender.

Violations

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89 Main Street
3rd Floor
Montpelier, VT
05620-3402

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

- a. 3 V.S.A. §129a(b)(1) and (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: (1) performance of unsafe or unacceptable patient care and (2) failure to conform to the essential standards of acceptable and prevailing practice); and
- b. 3 V.S.A. §129a(a)(3) (failure to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Understandings

8. This Stipulation is neither an admission of liability by the Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and expense of protracted litigation of the charges above, the Parties reach a full and final Stipulation pursuant to these Understandings and the Order below. The Respondent does not dispute that the State could prove these charges by a preponderance of the evidence if this matter went to a hearing and agrees to the conditions outlined below.
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 the right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
12. The Respondent is of sound mind and is not under the influence of drugs or alcohol at the time of signature of this stipulation and consent order.
13. Respondent agrees that the Order set forth below may be entered by the Board.
14. The Respondent agrees to pay any and all costs associated with this Stipulation and Consent Order.

CONSENT ORDER

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

- A. The Board of Dental Examiners hereby accepts the **VOLUNTARY SURRENDER** of the Respondent's license to practice as a dentist commencing with the date of entry of this Stipulation and Consent Order.

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- B. If, in the future, Respondent seeks reinstatement of his license the Board may condition his license with terms the Board finds reasonable at that time.
- 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: 7/7/14

STATE OF VERMONT
SECRETARY OF STATE

By: S. Lauren Hibbert
S. Lauren Hibbert
State Prosecuting Attorney

WILLIAM HARM, D.M.D.
RESPONDENT

Dated: 7/7/14

By: William Harm, D.M.D.
William Harm, D.M.D.

APPROVED AS TO FORM:

Dated: 7/7/14

ATTORNEY FOR RESPONDENT

By: Matthew D. Gilmond, Esq.
Matthew D. Gilmond, Esq.

APPROVED AND SO ORDERED:

Dated: 7/9/14

VERMONT BOARD OF DENTAL
EXAMINERS

By: Ken F. Lavoie DDS
Chairperson

Date of Entry: 7/9/14

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