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State of Vermont
Office of the Secretary of State
Professional Regulation

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Secretary of State

William A. Dalton
Deputy Secretary

Christopher D. Winters
Director, Professional Regulation

Vermont Board of Dental Examiners

In re: Kenneth Kero

License Number: 016-0000504

Docket Number: M2010-26

Removal of Conditions Order

On March 10th, 2010 the Vermont Board of Dental examiners considered Respondent's request for removal of conditions on his license. The I-team and prosecutor have no objection. Respondent has satisfied the Board that he has fulfilled all obligations under this Board's previous Order. The Board votes to remove conditions on Respondent's license/registration to practice as a Dentist. **So ordered. Vermont Board of Dental Examiners**


John Lavoie, DDS, Chair

Date of Entry: 3 / 10 / 2010

**STATE OF VERMONT
BOARD OF DENTAL EXAMINERS**

**In re: Kenneth Kero
License No. 16-0504**

**Docket Nos.: DE14-0202
DE20-0302
DE25-0402**

STIPULATION AND CONSENT ORDER

STIPULATION

Now Comes the State of Vermont through its counsel, Robert Backus, and Respondent, Kenneth Kero, appearing in person and with his attorney, Scott Cameron, who stipulate and agree as follows:

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.
2. Respondent Kenneth Kero, who has offices in South Burlington and Montpelier, Vermont, is a dentist holding license number 16-0504, issued by the State of Vermont. This license was originally issued before 1986 and is currently active.
3. On or about December, 2002, the State filed a Specification of Charges consisting of four (4) counts against Respondent. On or about December 26, 2002 Respondent, through counsel, filed his Answer to the Specification of Charges. On or about September 9, 2003, the State filed an amended specification of charges consisting of one count against the Respondent.
4. Respondent admits that the State has evidence from which the board could

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conclude that the Respondent failed to refund monies owed to some patients in a timely manner.

5. Respondent acknowledges that the charge set forth in the Specification of Charges, if proven, could result in a finding of unprofessional conduct based on a finding that the Respondent has violated 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).

6. In order to avoid the risk, expense and inconvenience of a hearing, State and Respondent agree to resolve the pending Specification of Charges by entering into this Stipulation and Consent Order.

CONSENT ORDER

Based on the above Stipulations it is **ORDERED AND ADJUDGED** as follows:

1. The Board of Dental Examiners concludes that the act(s), omission(s) and/or circumstance(s) above violate 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).
2. The Board of Dental Examiners **WARNS** the Respondent.

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3. The Board of Dental Examiners conditions the Respondent's license as follows: He shall

(A) Write a letter of apology to "L.G.", "R.G." and their daughter, "A.G.", relating to the issues noted in Count 1 of the of the original Specification of Charges.

(B) Write a letter of apology to "J.G." relating to the issues noted in Count 2 of the original Specification of Charges.

(C) Write a letter of apology to "N.R." relating to the issues noted in Count 3 of the original Specification of Charges.

(D) Write the above referenced letters of apology not later than thirty (30) days following issuance of this Stipulation and Consent Order, and provide copies and proof of service of same to the Board or its designated agent.

(E) Undertake and complete an appropriate course of professional training to assist him in dealing with the stress of maintaining a professional dental practice. Within thirty (30) days following issuance of this Stipulation and Consent Order Respondent shall identify and submit a course or courses to the Board or its designated agent for approval, and will thereafter undertake and complete the course approved by the Board or its designee. Nothing herein shall be interpreted to stop the Board from suggesting an appropriate course, and in that event the Respondent shall not unreasonably refuse to take and complete the

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course suggested by the Board. Respondent will submit proof of satisfactory completion of said course to the Board.

(F) Undertake and complete a review and reassessment of office administrative procedures with another dentist licensed and in good standing in Vermont, and make necessary changes to conform to Vermont Statutes and the Board's Administrative Rules. The dentist shall be approved by the board. A name shall be submitted to the board within thirty (30) days of the entry of this Stipulation and Consent Order and the assessment shall be undertaken within thirty (30) days after the board approves the dentist.

(G) Undertake to promptly and timely remit any monies due to patients in all transactions. For two years following issuance of this Stipulation and Consent Order Respondent shall, at his own expense, provide a quarterly list to the Board(commencing thirty (30) days after entry of this Stipulation and Consent Order) of all monies owed to patients with either proof of a refund through a copy of the check issued, or an explanation as to why the refund has not been made.

(H) Hire a CPA or professional bookkeeper who shall examine Respondent's books and provide a detailed list of accounts receivable from patients and accounts payable to patients. Patients may be identified by name or number. The first list shall be provided to the board by May 1, 2004 and the second by May 1, 2005.

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4. General: Respondent shall also:

(A) Appear in person for interviews with the Board or its designee upon reasonable notice and request.

(B) Bear all costs of complying with this Consent Order.

(C) Demonstrate, to the Board's satisfaction, full compliance with the terms of this Consent Order.

5. 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. §129a.

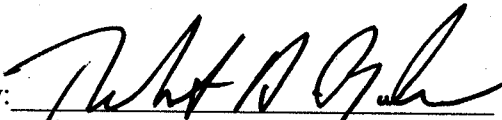
6. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

FOR: STATE OF VERMONT

Dated:

9/10/07

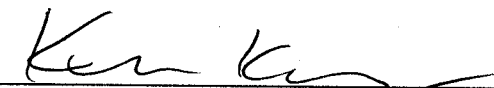
By:


Robert Backus, Counsel for OPR

Dated:

9/10/03

By:


Kenneth Kero, Respondent

Dated:

Sept. 10, 2003

By:


Scott Cameron, Respondent's Attorney

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APPROVED AND SO ORDERED: BOARD OF DENTAL EXAMINERS

Dated: 9-10-03

By: 
— Chairperson

Date of Entry of Order 9/11/03

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