

**STATE OF VERMONT
BOARD OF DENTAL EXAMINERS**

In re: Richard A. Levin, D.M.D.	}	
License No. 016-0002168	}	
	}	Docket No. DE24-0405
	}	

Appearances:

Petitioner, State of Vermont: Edward G. Adrian
Respondent: Richard A. Levin

Presiding Officer: Larry S. Novins

ORDER

The Board of Dental Examiners held a hearing on the above matter on March 8, 2006 at the Redstone Building 26 Terrace St. in Montpelier, Vermont. The Respondent appeared without counsel.

Findings of Fact

- 1 Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, Chapter 13 of Title 26, the Administrative Rules of the Board of Dental Examiners and the Rules of the Office of Professional Regulation.
2. Dr. Levin has admitted the facts alleged in paragraphs 6, 7, 8, 9, 10, 11, and 12 of the State's Specification of Charges as amended and read into the record on this date.
- 3 Based on the admission, the Board finds the facts alleged in paragraphs 6 through 12 to be true.

Conclusions of Law

Dr. Levin has violated 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."

Dr. Levin has violated 3 V.S.A. § 129a(a)(11) "failing to report to the office a conviction of any felony or any offense related to the practice of the profession in a Vermont district court, a Vermont superior court, or a court outside Vermont within 30 days."

Order

The Board adopts the agreement of the parties as to the sanction to be rendered in this matter, and hereby revokes Dr. Levin's license, effective the day of this Order.

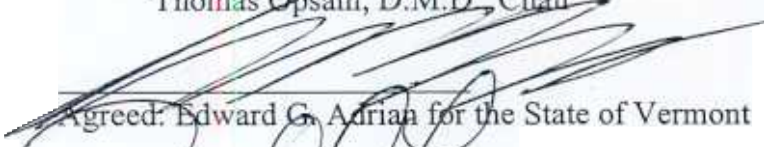
The Board will not consider a future application for licensure from Dr. Levin until he has been reinstated to practice dentistry in the State of New York, and has been in active practice and in good standing with an unencumbered license in that state for a minimum of one year.

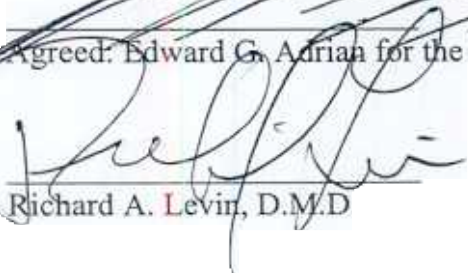
The parties have agreed to the issuance of this order and understand that by doing so neither side may appeal this order.

By:


Thomas Opsahl, D.M.D., Chair

Date: March 8, 2006


Agreed: Edward G. Adrian for the State of Vermont


Richard A. Levin, D.M.D.

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 3/13/06

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

IN RE:

**RICHARD A. LEVIN
License No. 016-0002168**

Docket No: DE 24-0405

)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Richard A. Levin, 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. §§767 and 809; the Board's Administrative Rules and the Office of Professional Regulation's Rules.
- 2) Fraudulent or deceptive procurement or use of a license is unprofessional conduct upon which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(1).
- 3) Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(3).
- 4) Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the profession is unprofessional conduct upon which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(9).
- 5) Failing to report to the office a conviction of any felony or any offense related to the practice of the profession in a Vermont district court, a Vermont superior court, or a court outside Vermont within 30 days is unprofessional conduct upon which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(11).

Facts

- 6) Respondent, Richard A. Levin, is licensed a dentist in the State of Vermont holding license number 016-0002168. This license was originally issued on July 1, 2003 and expired September 30, 2005.
- 7) On or about May 1, 2002, Respondent applied to the Vermont Secretary of State – Office of Professional Regulation for licensure as a dentist in the State of Vermont. Respondent indicated that he was licensed in New York and Massachusetts. Respondent also answered "No" to the application question "Have you ever been

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

convicted of a felony, or do you have any pending criminal charges?" (~~See Attachment A~~).

8) According to certified court records, on or about May 9, 2002, Respondent pled guilty and was convicted of the felony crime of health care fraud, in violation of 18 U.S.C. § 1347, in the United States District Court for the Western District of New York. (~~See Attachment B~~). *W*

9) As part of his plea agreement, Respondent agreed to voluntarily surrender his license to practice dentistry in any jurisdiction in which he was licensed for a period of not less than two years. (~~See Attachment B~~). *W*

10) On or about November 19, 2002, Respondent applied for permission to surrender his license to practice dentistry in the State of New York. The New York State Education Department granted Respondent's request on or about February 11, 2003.

11) Respondent was granted a license to practice dentistry in Vermont on or about July 1, 2003, over a year after his felony conviction. Respondent ~~never~~ voluntarily surrendered his license to practice dentistry in Vermont pursuant to his plea agreement. *July 1, 2003*
May 9, 2005. Respondent was incarcerated November 1, 2003 to December, 2004.

12) Respondent never informed the Vermont Board of Dental Examiners of his felony conviction.

Charges

13) The acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:

- i. 3 V.S.A. ~~§129a(a)(1)~~ (Fraudulent or deceptive procurement or use of a license);
- ii. 3 V.S.A. §129a(a)(9) (Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the profession);
- iii. 3 V.S.A. §129a(a)(11) (Failing to report to the office a conviction of any felony or any offense related to the practice of the profession in a Vermont district court, a Vermont superior court, or a court outside Vermont within 30 days); and
- iv. 3 V.S.A. §129a(a)(3) (Failure to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Richard A. Levin should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.



Dated at Montpelier, Vermont this _____ day of _____ 2005.

STATE OF VERMONT
SECRETARY OF STATE

By: _____



Robert H. Backus
State Prosecuting Attorney

de.levin.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107