

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

IN RE: DANIEL MARTIN, D.M.D.
License No. 016-0002160

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)

Docket No. DE-25-0504

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, through Robert H. Backus, Prosecutor for the Office of Professional Regulation, and the Respondent, through his attorneys, Eggleston & Cramer, Ltd., and enter into the following Stipulation and Consent Order.

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 ("RBDE") and the Rules of the Office of Professional Regulation.

Facts

2. Respondent Daniel Martin, D.M.D., is licensed as a dentist by the State of Vermont under License Number 016-0002160.

3. Respondent maintains a dental practice at Affordable Dentures ("AD") in South Burlington, Vermont.

4. From approximately July 14, 2003, through May 24, 2003, Respondent delegated professional responsibilities, which included taking x-rays, to Lisa M. Sourdiff, a dental assistant at AD. Unbeknownst to Dr. Martin, at that time, Ms. Sourdiff was not qualified by registration credentials to perform professional tasks because Ms. Sourdiff was not registered with the State of Vermont, Board of Dental Examiners as required by RBDE, Rule 2.1. 4 CRB 7/14/04 •

5. Ms. Sourdiff originally applied for registration as a traditional dental assistant on May 5, 2004, and was granted registration without radiology privileges on May 24, 2004.

Charges

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

- i. RBDE, Rule 2.1 (A person is not allowed to practice in Vermont as a dentist, dental hygienist or dental assistant unless licensed or registered by the Board); and
- ii. 3 V.S.A. § 129(a)(6) (Delegating professional responsibilities to a person whom the licensed professional knows, or has reason to know, is not licensed to perform them).

Understandings

7. Respondent understands that the Board must review and accept the terms of the Stipulation and Consent Order. If the Board rejects any portion of the same, it shall be void in its entirety.

8. Respondent has reviewed the Stipulation and Consent Order 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 presentation of this Stipulation and Consent Order to the Board has prejudiced his right to a fair and impartial hearing should the Board reject the same.

10. Respondent voluntarily waives his right to appeal the decision and order of the Board entered under this Stipulation and Consent Order.

Order

A) The Board adopts the facts as set out hereinabove and based upon the same finds that the Respondent violated:

- i. RBDE, Rule 2.1 (A person is not allowed to practice in Vermont as a dentist, dental hygienist or dental assistant unless licenses or registered by the Board); and
- ii. 3 V.S.A. § 129(a)(6) (Delegating professional responsibilities to a person whom the licensed professional knows, or has reason to know, is not licensed to perform them).

B) Respondent's license is warned.

C) A civil penalty of One Thousand no/100 Dollars (\$1,000.00) is imposed. Respondent has sixty (60) days from the entry of this Order to pay the penalty.

{End of Text; Signature Page follows}

Dated: 7/3/07


Robert H. Backus
Prosecuting Attorney

Dated: 7/6/04


Daniel Martin, DMD
Respondent

Eggleston & Cramer, Ltd.

Dated: 7-6-04

By:


Shireen T. Hart, Esq.
Respondent's counsel

APPROVED AND SO ORDERED:

Dated: _____


Chairperson

Date of Entry: 7/19/04

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

IN RE:)
DANIEL MARTIN, D.M.D.) Docket No: DE-25-0504
License No.: 016-0002160)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Daniel Martin, 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 ("RBDE"); and the Rules of the Office of Professional Regulation.

Facts

2. Respondent, Daniel Martin, is licensed as a dentist by the State of Vermont under license number 016-0002160.

3. Respondent maintains a dental practice at Affordable Dentures ("AD") in South Burlington, Vermont.

4. From approximately July 14, 2003 through May 24, 2004, Respondent delegated professional responsibilities to Lisa Sourdiff, a dental assistant at AD, which included taking x-rays. During that time, Lisa Sourdiff was not qualified by registration credentials to perform professional tasks. Ms. Sourdiff was not registered with the State of Vermont, Board of Dental Examiners as required by RBDE, Rule 2.1.

5. Lisa Sourdiff originally applied for registration as a traditional dental assistant on May 5, 2004. Ms. Sourdiff was granted registration without radiology privileges on May 24, 2004. Respondent knew or should have known that Ms. Sourdiff was not registered prior to May 24, 2004.

Charges

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

6. The acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent has engaged in unprofessional conduct pursuant to:

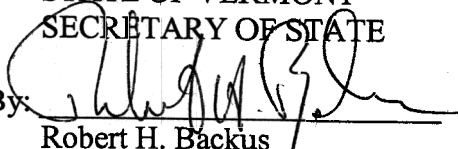
- i. RBDE, Rule 2.1 (A person is not allowed to practice in Vermont as a dentist, dental hygienist or dental assistant unless licensed or registered by the Board); and
- ii. 3 V.S.A. §129a(a)(6) (Delegating professional responsibilities to a person whom the licensed professional knows, or has reason to know, is not qualified by training, experience, education or licensing credentials to perform them); and
- iii. 3 V.S.A. §129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules 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 this 17th day of June 2004.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Robert H. Backus
State Prosecuting Attorney

de.martin.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602