

STATE OF VERMONT
BOARD OF DENTAL EXAMINERS

IN RE:	)	Docket Nos. DE41-0401
William J. McDonald	)	DE15-0202
License No.: 16-0689	)	DE16-0202
	)	DE24-0402

STIPULATION AND CONSENT ORDER

AUTHORITY OF THE BOARD

- 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.

STIPULATION AS TO FACTS

- 2) Respondent enters a plea of no contest. In so doing, he agrees that if this case were to proceed to hearing, the Board could find, based on the evidence, the following facts.
- 3) Respondent William J. McDonald, who has offices in Rutland and/or Woodstock, Vermont, is a dentist holding license number 16-0689, issued by the State of Vermont. By way of history, Respondent's license was originally issued on about May 1, 1980;
- 4) On about April 12, 2002, Respondent was treating patient "J.R." when she bit his finger and he reacted. Respondent did not adequately document the incident. J.R. has special needs.
- 5) On about October 17, 2000, Respondent treated patient "J.L.", including inserting upper dentures that J.L. complained did not fit correctly.
- 6) On about October 17, 2000, Respondent did not adequately chart the treatment described in the preceding paragraph.
- 7) At a time, or times, including about November 9, 2000, Respondent was verbally abusive to and/or yelled at patient "J.L."
- 8) On about August 30, 2000, Respondent performed restorative work on tooth #4

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

of patient "M.W." Respondent did so without taking, reviewing and/or documenting pre-treatment x-rays.

- 9) On about September 6, 2000, Respondent performed restorative work on M.W.'s tooth #5. Respondent did so without taking, reviewing and or documenting pre-treatment x-rays.
- 10) On about July 20, 2001, Respondent performed a reconstruction on tooth #10 of patient "J.W." Respondent did so without taking, reviewing and or documenting pre-treatment x-rays.

UNDERSTANDINGS

- 11) 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.
- 12) Respondent has reviewed the entire document and agrees that it sets out the entire agreement of the parties, freely and voluntarily entered into.
- 13) 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 to the Board has prejudiced his right to a fair and impartial hearing should the Board reject this stipulation.
- 14) Respondent voluntarily waives his right to a contested hearing before the Board.
- 15) Respondent voluntarily waives his right to appeal the decision and order of the Board entered under this stipulation.

ORDER

- A) The Board adopts the facts as set out above and based on them it finds that Respondent has committed unprofessional conduct in violation of 26 V.S.A. §809(a)(12) (consistent use of unaccepted procedures which have a consistent detrimental effect upon patients).
- B) The Respondent's license is reprimanded.
- C) The Respondent's license is conditioned until the following conditions have been fulfilled:

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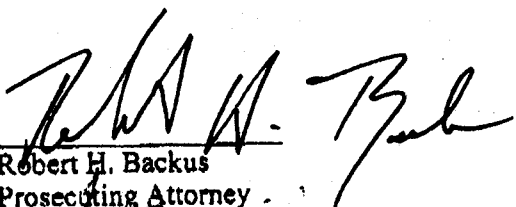
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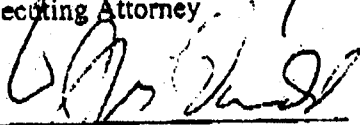
- a. Respondent has sixty days from the entry of this order to write letters of apology to J.R. and J.L. apologizing for making them feel uncomfortable while in his care.
- b. Respondent has sixty days from the entry of this order to submit to the Board the title of a course of at least three hours which addresses issues around dealing with special needs patients. The Board may approve or disapprove the course. If it disapproves that course it may either specify a course or give Respondent a second sixty days to find a course it approves of. If Respondent is unable to find an appropriate course within the sixty he may submit to the board the name of a course dealing in general with appropriate patient interaction along with details of his efforts to find a course. The Board will respond within sixty days either approving of the course or naming a specific course for Respondent to take.
- c. The course set out in paragraph b. must be completed within one year from the entry of this order.
- d. Respondent must enroll in and successfully complete the "Simulated Patient Treatment Clinical Exercise" as offered by NERB (North East Regional Board) at the next opportunity.
- e. Respondent is to make a treatment plan for all new patients and all existing patients without one. Treatment plans for existing patients shall be completed as needed for those patients and in conformity with the standards of the profession.
- f. All patients eligible for medicaid and medicare will be shown clearly what portion of the treatment plan will be paid by medicare or medicaid and what portion the patient will be liable for.
- g. Respondent shall, within sixty days of the entry of this order, submit to the Board the name of a dentist for the Board's approval. That dentist will review Respondent's records and practice as follows.
- h. Beginning ninety days from the entry of this order, but no less than thirty days after the Board approves a dentist under paragraph g., the Respondent shall supply to the dentist the files of ten new patients. The dentist will review the files to assure that proper treatment plans have been drawn up and patients have properly been informed of what medicare and medicaid will and will not cover in those plans. The dentist will make a report which shall be submitted to Respondent and to the Board. The dentist will include in the report recommendations (as needed) to assure that the treatment plans meet the standards of the profession and Respondent shall implement those recommendations.
- i. These reports shall continue to be made until eight reports have been made. The reports shall be made every quarter. Each report is due to the board no less than eighty days and no more than one hundred days after the previous report.
- j. Following the final report the Board has thirty days to review that report at which time, if all other requirements of this order have been met, the Board shall remove the conditions from the Respondent's license.

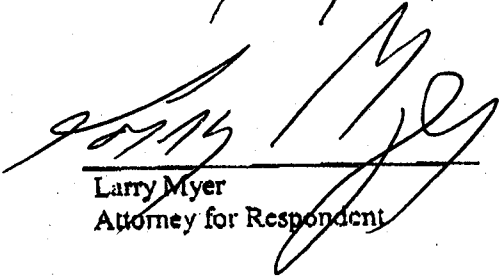
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Robert H. Backus
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William McDonald
Respondent

12/10/03

Larry Myer
Attorney for Respondent

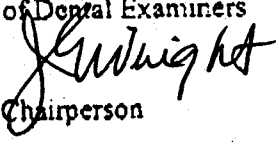
APPROVED AND SO ORDERED:

Dated: 12-10-03

Date of entry: 12/12/03

Board of Dental Examiners

by:


Chairperson