

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

IN RE:)
GARY LEE MORRIS, D.D.S.) **Docket No: DE28-0405**
License No.: 016-0001187)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Robert H. Backus, and Respondent, Gary Lee Morris, D.D.S., who stipulate and agree as follows:

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. The Respondent, Gary Lee Morris, is licensed as a dentist by the State of Vermont under license number 016-0001187.
3. The Respondent maintains a dental practice in Morrisville, Vermont.
4. From approximately May 10, 2004 through May 16, 2005, the Respondent delegated professional responsibilities to Melissa Hess, a dental assistant at the Respondent's dental practice. During that period, Melissa Hess was not qualified by registration credentials to perform professional tasks. Ms. Hess was not registered with the State of Vermont, Board of Dental Examiners as required by RBDE, Rule 2.1.
5. Melissa Hess originally applied for registration as a traditional dental assistant on April 11, 2005. Ms. Hess was granted registration on May 16, 2005. Respondent knew or should have known that Ms. Hess was not registered prior to May 16, 2005.

Charges

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

STATE OF VERMONT



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

- 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).

Understandings

- 7. The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.
- 8. The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
- 9. 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.
- 10. The Respondent is voluntarily waiving his right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
- 11. Respondent agrees that the Order set forth below may be entered by the Board.

WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

CONSENT ORDER

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

A. The Board of Dental Examiners hereby imposes an **ADMINISTRATIVE PENALTY OF FIVE HUNDRED DOLLARS (\$500.00)** against the Respondent. As the facts show noncompliance with administrative duties not related to patient, client or customer care, the Board finds that the conduct stipulated to **does not constitute unprofessional conduct**, pursuant to 3 V.S.A. §129(a)(3). This penalty shall be paid within ninety (90) days of the date of entry of this Order.

B. 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).

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

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 8/17/05

By: Robert H. Backus

Robert H. Backus
State Prosecuting Attorney

GARY LEE MORRIS
RESPONDENT

Dated: 8-25-05

By: Gary Lee Morris

Gary Lee Morris

APPROVED AND SO ORDERED: VERMONT BOARD OF DENTAL
EXAMINERS

Dated: 10/12/05

By: Thomas R. Spelman
Chairperson

Date of Entry: _____

de.morris.stip

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SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Gary Lee Morris, D.D.S.:

Board Authority

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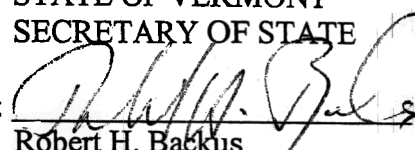
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- iii. 3 V.S.A. §129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the Respondent's license should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 20 day of June 2005.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Robert H. Backus
State Prosecuting Attorney

de.morris.soc

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