

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

**IN RE:**

**GLEN B. MOYER  
License No. 016.0000773**

**Docket Nos.: 2011-734  
2013-403**

**STIPULATION AND CONSENT ORDER**

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Annika Green, and the Respondent, Glen B. Moyer, who stipulate and agree as follows:

**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. §584; the Administrative Rules of the Board of Dental Examiners ("RBDE"); and the Rules of the Office of Professional Regulation.

**Stipulated Facts**

2. Glen B. Moyer ("Respondent") of Grand Isle, VT, is licensed by the State of Vermont as a Dentist under license number 016.0000773. This license is active and is currently set to expire on September 30, 2015.
3. On or about February 6, 2001, this Board CONDITIONED Respondent's license for overprescribing and inappropriately prescribing narcotics to numerous patients, despite other physicians, pharmacists, and patients bringing concerns to him about his prescribing practices.
4. Patient N. J.:
  - a. Patient N.J. entered into treatment with Respondent on or about February 10, 2005.
  - b. On or about January 12, 2009, Respondent saw N.J., determined that she needed an apicoectomy on tooth #10, and referred N.J. to an oral and maxillofacial surgeon.
  - c. Beginning on or about January 14, 2009, Respondent began prescribing Vicodin, a narcotic, to N.J. for pain.
  - d. Throughout 2009, Respondent prescribed Vicodin to N.J. with no definitive treatment because N.J. called repeatedly and complained of tooth pain and stated she could not get Medicaid coverage to present for an office visit.
  - e. Beginning in July, 2009, Respondent began prescribing Percocet for N.J. on a regular basis for reported pain.

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- f. In July 2010, Respondent referred N.J. to another provider for pain management. N.J. was discharged as a patient with the referring doctor soonafter.
- g. N.J. returned as a regular patient of Respondent's in October, 2010.
- h. Between October, 2010 and June, 2011, Respondent prescribed N.J. Percocet 21 times, for a total of 367 tablets. During this time period, N.J. failed to show for numerous appointments and continued to state she could not come in for treatment because she could not get a Medicaid voucher, yet continuously requested narcotic pain medications. Also during this time, N.J. gave reasons for needing excessive pain medications such as "my prescription was stolen" and she was "shorted pills" by a pharmacist.

5. Patient L.F.:

- a. Patient L.F. entered into treatment with Respondent on or about March 7, 2006. She presented for prophylaxis, radiographs and a single extraction of tooth #16.
- b. L.F. failed to show for follow-up visits to conduct restorative work and did not reappear for treatment until on or about August 1, 2012.
- c. On or about August 1, 2012, L.F. presented for treatment again and Respondent extracted tooth # 17.
- d. According to pharmacy records obtained from Rite Aid Pharmacy in Milton, VT, Respondent prescribed Oxycodone approximately 40 times to L.F. between September 10, 2012 and September 16, 2013, totaling 829 tablets.
- e. During the time period covered by the pharmacy records, L.F. failed to show for appointments, called very frequently for more narcotic pain medications, and Respondent prescribed narcotics several times without examining L.F., simply based on her complaint of pain.

6. Patient K.F.

- a. Patient K.F. entered into treatment with Respondent on or about July 25, 2012. He presented with a fractured #7 requiring treatment.
- b. From approximately July 25, 2012 until October 11, 2013, there were approximately 110 entries made into K.F.'s record. He was actually seen by Respondent approximately 33 times, and of those, received definitive treatment from Respondent approximately 15 times.
- c. From approximately September 10, 2012, until August 21, 2013, RiteAid Pharmacy in Milton filled 46 prescriptions for Oxycodone for a total of 1055 tablets, and 4 prescriptions for Endocet for a total of 88 tablets. All were prescribed by Respondent for K.F.
- d. From approximately March 14, 2013 until June 5, 2013, Kinney Drugs in Milton filled 3 prescriptions for Oxycodone for a total of 56 tablets, and 3 prescriptions for Endocet, for a total of 84 tablets. All were prescribed by Respondent for K.F.

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- e. From approximately July 25, 2012 until October 11, 2013, Respondent wrote approximately 16 prescriptions for antibiotics for K.F., either at the request of K.F. or his wife, and without examination.
- f. On or about September 17, 2012, approximately 7 days following an apparently minor surgical procedure, the Respondent's record of K.F. states: "Pt. states area is better and not as sore. Rx Percocet 5/325 #12 1Q 6-8H Given in writing."
- g. On or about September 20, 2012, Respondent's record of K. F. states: "Pt. called - states 'Hole not healing on top' Request antibiotics and a 'few pain pills' Rx Pan VK 500 mg 1 QID x 10 days + Percocet 5/325 #12 1Q8H Given in writing."

#### Violations

- 7. Based on the evidence presented and Facts found above, the Board concludes that Respondent's acts as set forth above violate:
  - a) 3 V.S.A. § 129a(b)(1) and (2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care; or (2) failure to conform to the essential standards of acceptable and prevailing practice).

#### Understandings

- 8. Respondent admits the facts above are true and that the conditions below are necessary to protect the public.
- 9. 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 null and void.
- 10. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
- 11. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 12. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
- 13. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.

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14. Respondent voluntarily waives his right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
15. Respondent agrees that the Order set forth below may be entered by the Board.

### ORDER

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

- A. The Board hereby **CONDITIONS** the Respondent's license to practice dentistry **INDEFINITELY**. The conditions are as follows:
- B. Respondent must pay an administrative penalty in the amount of **TWO THOUSAND DOLLARS (\$2000)** within ninety (90) days of the date of entry.

1) Term of Conditions:

Upon the imposition of these conditions, Respondent shall be issued a license labeled "conditioned." Respondent shall be subject to the conditions until Respondent petitions the Board for modification and the Board takes any further action.

2) Notification to Employers:

Within ten (10) days of the date of entry of this Order, Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current employment or in the event of future practice, within ten (10) days, and inform them of Respondent's conditional license status.

3) Types of Employment Prohibited.

Respondent shall not work in a supervisory role. Respondent shall not prescribe narcotics to patients until and unless the conditions of this order are modified.

4) Out-of-State Practice and Licensing.

Before any out-of-state practice can be credited toward fulfillment of these terms and conditions, Respondent shall first obtain approval from the Board. Failure to seek approval shall result in out-of-state practice not being credited toward the fulfillment of the terms and conditions of this Consent Order.

If the Respondent receives discipline on a dentistry license held in another state during the conditioned period, the Respondent must inform the Board of such, in writing, within ten (10) days of receiving such discipline.

5) Notification of Employment/ Personal Address/Telephone Number:

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Within ten (10) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of his current place of employment, personal address, and telephone number.

Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in employment (including resignation or termination), personal address, or telephone number.

6) Notification to Other States:

In the event that the Respondent is licensed in dentistry in any other state(s), he must inform the other licensing boards of the conditional status of his Vermont dentistry license within thirty (30) days of the date of entry.

7) License Renewal and Costs:

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. Respondent must timely apply for renewal and pay the applicable fee.

The Respondent shall bear all costs of complying with this Consent Order.

8) Violation of this Order:

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

- C. Notwithstanding any provision above, the Respondent must continue to meet all Dentistry Board requirements for maintaining a license, license renewal and license reinstatement.
- D. 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).
- E. 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.

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AGREED TO:

Dated: 8.19.15

STATE OF VERMONT  
SECRETARY OF STATE

By: *Annika Green*  
Annika Green  
State Prosecuting Attorney

GLEN B. MOYER  
RESPONDENT

Dated: MAY 29, 2015

By: *Glen B. Moyer*  
Glen B. Moyer

RALPH SUOZZO, ESQ.  
ATTORNEY FOR RESPONDENT

Dated: 5/29/15

By: *Ralph Suozzo*  
Ralph Suozzo, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF DENTAL  
EXAMINERS

Dated: 9-9-15

By: *Michael*  
Chairpersen

Date of Entry: 9/10/15

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