

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

IN RE:

DAVID NEUMEISTER, D.D.S.

License No. 016.0000472

Docket No: 2011-724

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Ed Adrian, and the Respondent, David Neumeister, 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.

Stipulated Facts

2. David Neumeister (the "Respondent") of Brattleboro, Vermont, is licensed in Vermont as a dentist under license number 016.0000472. This license is currently set to expire on September 30, 2013.
3. At all times relevant, the Respondent was licensed and working as a dentist out of his office located in Brattleboro, Vermont.
4. In July of 2009, Wendi Favreau began working as a Certified Dental Assistant for the Respondent.
5. Wendi did not become licensed as a Dental Assistant in Vermont until September 30, 2011.
6. On or about October 4, 2010, the Respondent sent a letter to the Dental Board of Examiners stating that he assumed Wendi had been registered in Vermont since the summer of 2009 and realized his mistake when he signed her registration forms in 2011. In the letter, the Respondent acknowledged that as her employer, he was responsible for her becoming registered in 2009.

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National Life Building
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7. Respondent apologized for not checking Wendi's status when she first began working in his office. Respondent has since taken remedial actions to prevent a reoccurrence. Respondent has successfully practiced as a dentist for over 40 years and this is his first unprofessional conduct violation.

Violations

8. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of:
 - a. RBDE, Rule 1.2 (It is the responsibility of each supervising dentist to inform each person hired to work in an office subject to these rules of the responsibilities and licensing and registration requirements imposed by these rules and to ensure that all employees are properly licensed or registered and trained);
 - b. V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); and
 - c. 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, or knowingly providing professional supervision or serving as a preceptor to a person who has not been licensed or registered as required by the laws of the person's professions).

Understandings

9. 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.
10. The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.
11. 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.
12. 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.
13. Respondent agrees that the Order set forth below may be entered by the Board.

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14. The Respondent agrees to pay any and all costs associated with this Stipulation and Consent Order.
WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

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 ONE THOUSAND DOLLARS (\$1,000.00)** against the Respondent. This penalty shall be paid within sixty (60) 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).
- 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:

Dated: 3/4/12

STATE OF VERMONT
SECRETARY OF STATE

By: [Signature]
Edward G. Adrian
State Prosecuting Attorney

DAVID NEUMEISTER
RESPONDENT

Dated: March 30, 2012

By: David Neumeister DDS
David Neumeister, D.D.S.

APPROVED AND SO ORDERED:

VERMONT BOARD OF DENTAL
EXAMINERS

Dated: 4/11/12

By: Richard A. Dickinson DDS
Chairperson

Date of Entry: 4/12/12

de.neumeister.stp

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