

State of Vermont
Vermont Board of Dental Examiners

In re: Howard Novak
License Number: 016.0001069
Docket Number: 2020-97

Order to Remove Conditions

On June 9, 2021, the Vermont Board of Dental Examiners considered Howard Novak's request for Removal of Conditions imposed pursuant to a Stipulation and Consent Order effective April 14, 2021, under Docket Number 2020-97. Howard Novak has met the conditions, which included completion of online courses in dental anatomy and payment of a fine. After review of the follow-up file, the State does not object to removal of all conditions.

Order:

The Board hereby removes all conditions from Howard Novak's Dentist license.

Vermont Board of Dental Examiners

E-SIGNED by William Koch
on 2021-06-09 10:47:33 EDT

Date: June 9, 2021

Robert Ruhl, Chair

Date of Entry:

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

**IN RE:
HOWARD NOVAK
License No. 016.0001069**

)
) **Docket No. 2020-97**
)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Traci Leibowitz, and the Respondent in this matter, Respondent, Howard Novak, who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Dental Examiners (the "Board") has jurisdiction to hear matters involving allegations of unprofessional conduct committed by dentists, dental hygienists, and dental assistants pursuant to 3 V.S.A. §§127, 129, 129a; 26 V.S.A. Chapter 12; the Administrative Rules of the Board of Dental Examiners ("ARBDE"); and the Rules of the Vermont Office of Professional Regulation ("OPR").

Stipulated Facts

2. Howard Novak, DMD ("Respondent") of Richmond, Vermont is licensed by the State of Vermont as a Dentist under license number 016.0001069. This license was originally issued September 9, 1988, and expires on September 30, 2021.
3. Respondent, at all relevant times, was practicing as a dentist at Richmond Dental, a private dental practice located in Richmond, Vermont.
4. A minor patient ("Patient") was a patient with Richmond Dental and received dental care at that practice since 2006.
5. In August of 2015, Patient was referred to Associates in Orthodontics for an evaluation to explore potential orthodontal work.
6. In December of 2015, Associates in Orthodontics took radiographs of Patient's mouth, which clearly indicated the location of primary tooth 'T.'
7. Associates in Orthodontics requested that Richmond Dental perform an extraction on Patient of tooth 'T,' a primary tooth.

8. Associates in Orthodontics provided a copy of the December 2015 pre-extraction radiographs to Respondent.
9. Respondent took additional pre-extraction radiographs of Patient.
10. Prior to the extraction procedure on March 8, 2016, Respondent failed to review the pre-extraction radiographs taken by Associates in Orthodontics in December 2015.
11. On March 8, 2016, Respondent performed the extraction and extracted the wrong tooth.
12. Respondent extracted a permanent tooth, tooth #30, instead of primary tooth 'T.'
13. Permanent tooth, tooth #30, was dysplastic and had significant occlusal wear and multiple fracture lines. Respondent mistakenly assessed tooth #30 as primary tooth 'T.'
14. Respondent had noted that the root structure was more substantial than would be expected for a primary tooth.
15. Based on Respondent's clinical evaluation of the extracted tooth, Respondent reviewed his pre-extraction radiographs and verified that he had extracted the wrong tooth.

Violation One: 3 V.S.A §129a(b)(1) 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.

16. The State re-alleges and incorporates Paragraphs 2 through 15 above.
17. As a Dentist, Respondent is required to provide safe and acceptable patient or client care.
18. Paragraphs 2 through 15 demonstrate that Respondent failed to practice competently and performed unacceptable patient care.
19. 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 3 V.S.A. §129a(b)(1).

Violation Two: 3 V.S.A §129a(b)(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: (2) failure to conform to the essential standards of acceptable and prevailing practice.

20. The State re-alleges and incorporates Paragraphs 2 through 15 above.

21. As a Dentist, Respondent is required to conform to the essential standards of acceptable and prevailing practice for Dentists.
22. Dentists are required to adequately prepare when performing dental procedures and to perform such procedures accurately and proficiently, to the best of the dentist's ability.
23. Paragraphs 2 through 15 demonstrate that Respondent failed to practice competently and failed to conform to the essential standards of acceptable and prevailing practice by extracting the wrong tooth.
24. 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 3 V.S.A. §129a(b)(2).

Understandings

25. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
26. Respondent understands that the Board of Dental Examiners 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.
27. 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.
28. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
29. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
30. 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.
31. Respondent voluntarily waives his right to a contested hearing before the Board of Dental Examiners and waives any right to appeal from this Stipulation and Consent Order.
32. 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. **A MONETARY FINE IN THE AMOUNT OF TWO HUNDRED AND FIFTY DOLLARS (\$250.00)** is imposed on Respondent. This penalty shall be paid within ninety (90) days of the date of entry of this Order.

B. Respondent's license is hereby **CONDITIONED** as follows:

- i. Respondent shall, within ninety (90) days of this Order, at his own expense, successfully complete the following pre-approved courses:

"Dental Anatomy Online Course, Video Lectures by the University of Michigan," lectures #1, 2, 3, 4, 5, 6, 7 and 20. Found here:
<https://freevidelectures.com/course/115/dental-anatomy>

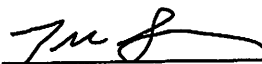
Respondent must demonstrate his attendance and completion of these lectures to the satisfaction of the case manager. Respondent must provide to the case manager the vendor login and track progress report. For each lecture, Respondent must provide to the case manager a written summary of the content of the lecture, and a paragraph on how to implement the knowledge gained into practice.

- C. Notwithstanding any provision above, the Respondent must continue to meet all 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.

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

Dated: 04/07/2021

By: 

Traci Leibowitz
State Prosecuting Attorney

HOWARD NOVAK
RESPONDENT

Dated: 4/7/21

By: [Signature]
Howard Novak, DMD

APPROVED AS TO FORM ONLY:

NICOLE ANDRESON, ESQ.
ATTORNEY FOR RESPONDENT

Dated: 4/7/2021

By: [Signature]
Nicole Andreson, Esq.

APPROVED AND SO ORDERED:

VERMONT BOARD OF DENTAL
EXAMINERS

Dated: April 14, 2021

By: E-SIGNED by William Koch
on 2021-04-14 12:51:49 EDT
Chairperson

Date of Entry: 4.14.21