

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

IN RE:

ROGER D. RECKIS, D.D.S.

Docket No: DE29-0605

License No. 016-0000826

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, through Prosecuting Attorney Robert H. Backus and the Respondent, Roger G. Reckis, D.D.S., in person, and through counsel, John J. Zawistoski, and enter into the following agreement.

Agreement

The Respondent agrees that if there were a hearing in this matter the evidence introduced, although conflicting, could allow the Board to find the facts set out below and that on those facts the Board could, and may, enter the following order.

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. §§767 and 809; the Administrative Rules of the Board of Dental Examiners ("RBDE"); and the Rules of the Office of Professional Regulation.

Facts

2) Respondent, Roger G. Reckis, is licensed as a dentist in the State of Vermont holding license number 016-0000826. This license was originally issued on or about September 22, 1980 and is currently set to expire on September 30, 2007.

3) At all times relevant, the Respondent was licensed and worked as a dentist from his office located in Bellows Falls, Vermont.

4) On or about August 9, 2004 the Respondent performed a comprehensive dental exam on patient S.T. at her request, including full mouth radiographs. Upon completion of the dental exam, the Respondent diagnosed S.T. with caries on several teeth and provided S.T. with a proposed treatment plan at her request. At no time did Respondent ever treat S.T. or perform any other examination. Respondent recommended that S.T. have restoration performed on seven teeth.

5) Several weeks later, on or about September 20, 2004, S.T. was re-examined by a different dentist who determined that S.T. needed no restoration.

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Charges

6) The circumstances described above constitute grounds for discipline under 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. Failure to practice competently includes: ... failure to conform to the essential standards of acceptable and prevailing practice).

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 **warns** the Respondent's license.

B. Respondent's license is **conditioned** until the following conditions have been met.

1. Respondent shall meet one time each month for a period of three months with Gerald R. Theberge, DMD of Brattleboro, Vermont and will review and read, at each monthly meeting, 15 patient x-rays of the Respondent together with the patient charting relative to each x-ray. These records and x-rays are to be reviewed prior to any work being done on the

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patients related to the x-rays. The x-rays reviewed must contain an approximately 50/50 split between patients whom Dr. Reckis has evaluated as needing work done (based upon his interpretation of the x-rays) and patients for whom no work is needed (upon the same interpretations). The purpose of this review is to make sure that Dr. Reckis's work in the area of x-ray evaluation and diagnosis meets current standards of the profession. The first meeting shall occur within forty five days of the entry of this order.

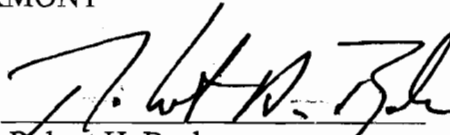
2. Upon completion of the three monthly meetings Dr. Theberge will report to the Board. If Dr. Theberge reports that the condition has been satisfactorily completed and the purpose of the review has been attained then the condition shall be deemed fully satisfied. If, in the opinion of Dr. Theberge, any additional such meetings (consistent with the procedure outlined above) are necessary, he shall indicate the number of additional meetings. In such case, the additional meetings shall take place and if Dr. Theberge reports that the purposes of these reviews have been met then the condition shall be fully satisfied.
3. Respondent shall pay a one thousand dollar administrative fee within sixty days of the entry of this order.

C. 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).

D. 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: 6-28-07


Robert H. Backus
State Prosecuting Attorney

ROGER G. RECKIS, D.D.S.
RESPONDENT

Dated: 6-20-07


Roger D. Reckis, D.D.S.

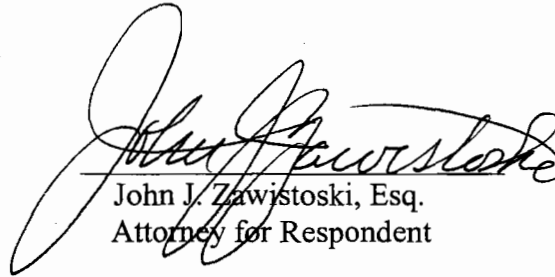
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APPROVED AS TO FORM

Dated: 6-21-07


John J. Zawistoski, Esq.
Attorney for Respondent

APPROVED AND SO ORDERED:

VERMONT BOARD OF DENTAL
EXAMINERS

Dated: July 11, 07


Robert A. Dufresne DDS
Chairperson

Date of Entry: 7/16/07

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