

**STATE OF VERMONT
BOARD OF DENTAL EXAMINERS**

In re: Ralph Sharow, D.M.D.

}

} Docket No. APP-DE-26-0405

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**DECISION ON APPEAL OF
PRELIMINARY DENIAL OF LICENSURE**

Board Members Participating:

Thomas Opsahl D.M.D. Vice-Chair
Gertrude Hodge
Linda Retchin, R.D.H.
Thomas Upsah, D.M.D.
Raymond N. McCandless
Wesley Baker D.M.D.
Rena Katz Chernick R.D.H.
John C. Langfeldt D.D.S.

Appearances:

for Petitioner, State of Vermont: Robert H. Backus, Esq.

for Respondent: Did not appear for the hearing.

Respondent, pro se

Presiding Officer: Larry S. Novins

**Findings of Fact, Conclusions of Law,
and Order**

The Board of held a hearing in the above matter on September 14, 2005 26 Terrace Street in Montpelier, Vermont pursuant to 3.V.S.A. § 129(e). Dr. Sharow did not appear by telephone as he had requested permission to do. He wished to have the Board reverse its preliminary denial of his license application. This license denial is based on felonious conduct found by another state which Dr. Sharow admits did occur. The burden is on him to show that the issuance of a preliminary denial of licensure was in error.

Background

By letter dated April 6, 2005 the Board of Dental Examiners denied Dr. Sharow's application for licensure as a dentist. The letter stated that the decision was because, "you have been convicted of a crime, two felonies involving fraud and deceptive conduct and because your license to practice dentistry in the stated New Jersey is revoked. Chapter 5 two V.S.A. §129a

[sic] Unprofessional conduct states in part, 'in addition to any other provision of law, the following conduct by a licensee constitutes unprofessional conduct. When that conduct is by an applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action. Anyone of the following items, or combination of items, whether or not the conduct at issue was committed within or outside the state, shall constitute unprofessional conduct.

(7) willfully making or filing false reports or records in the practice of the profession; willfully and impeding the proper baking or filing of reports or records or willfully failing to file the proper reports or records.

(10) conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession.

(12) in the course of practice, gross failure to use and exercise on a particular occasion or the failure to use and exercise on repeated occasions that degree of care, skill, and proficiency which is commonly exercised by the ordinary skillful, careful, and upon professional engaged in it similar practice under the same or similar conditions, whether or not actual injury to client, patient or customer has occurred.

(13)(b)(2), failure to conform to the essential standards of acceptable and prevailing practice.' ”

The denial letter to Dr. Sharow cited his convictions as the sole reason for denying him a Vermont Dental License.

Dr. Sharow requested a hearing on the Board's preliminary denial. In his request he said, "What I had done was wrong and I paid dearly for it...."

Findings of Fact

Based upon a review of the Board's file and the testimony at the hearing, the Board finds as follows:

1. This applicant is subject to the disciplinary authority of this Board. 3 V.S.A. § 129a(a).
2. Dr. Sharow's application indicated he had been convicted of a crime other than a traffic violation.
3. Dr. Sharow wrote to the Board on February 24, 2005. Based on his admissions in that letter, the Board finds that:
 - a. he was convicted of income tax evasion and health care fraud;
 - b. he signed a consent order with the New Jersey Dental Board which revoked his dental license in New Jersey;
 - c. he was sentenced to serve 27 months in prison, followed by 2 years supervised release;

- d. he was required to pay restitution of over \$200,000.00, which has been paid;
 - e. The New Jersey dental board will not consider any application for reinstatement by Dr. Sharow until he completes his incarceration and supervised release, for which he must demonstrate to the New Jersey Dental Board that, "the reinstatement of his license to practice dentistry is consistent with the public health, safety and welfare."
- 4. The Board takes notice via the Certification of Good Standing dated 3/18/05 received by the Office of Professional Regulation that a complaint or complaints are pending against Dr. Sharow in New Jersey.
 - 5. Dr. Sharow's license in the State of New Jersey is still revoked.
 - 6. When Dr. Sharow wrote to the Board in May, he was living in the state of Kansas.
 - 7. Dr. Sharow is currently residing in the State of Tennessee.
 - 8. Sharow wrote to the Board saying that he took full responsibility for what "I had done." He said he "put my foot down" and "stopped this illegal activity on my own prior to the authorities coming in." He said he signed a plea agreement to keep his wife from going through an ordeal like his. He asked for an opportunity to come to Vermont and start over.
 - 9. Dr. Sharow wrote that "my patients were always treated with the greatest respect and professionalism."
 - 10. Dr. Sharow did not disclose in his application that he had been denied a license by the State of Kansas.
 - 11. Dr. Sharow claimed that he had not harmed any patients. Exhibit #5 shows that in fact he had.
 - 12. The Office of Professional Regulation sent Dr. Sharow a certified letter informing him of today's hearing. He responded by letter dated September 9, 2005 asking that he be called by phone for the hearing.

Conclusions of Law

- 1. The conduct leading to Dr. Sharow's felony convictions and incarceration violate the provisions of 3 V.S.A. § 129a sections (7), (10), (12) and (13)(b)(2).
- 2. Dr. Sharow's felony convictions which resulted in his license revocation in New Jersey were serious.
- 3. The licensing authorities in New Jersey have the most first hand information on Dr. Sharow.
- 4. Revocation of his license appears to have been appropriate.
- 5. The State of New Jersey imposed preconditions for reinstatement.
- 6. Dr. Sharow's consent order in New Jersey acknowledged that he is not fit to practice in New Jersey. Under that agreement that presumption remains until he convinces New Jersey authorities that the presumption is no longer valid. The best place to do that is before the Board before whom he entered that acknowledgment.
- 7. Permitting Dr. Sharow to obtain a Vermont license at this time would demean the seriousness of his crimes and demean the revocation of his license in New Jersey.
- 8. This Board concludes that to grant Dr. Sharow a license would be undermine the intent

and order of counterpart licensing body in New Jersey and, in effect, reverse that Board's revocation of Dr. Sharow's license.

9. Dr. Sharow has not met his burden to persuade the Board that its preliminary denial of his license application was in error.

Order

The preliminary denial of licensure is **affirmed**.

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Dental Examiners.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 26 Terrace Street, Montpelier, Vermont 05609-1101 within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

Vermont Board of Dental Examiners

By: Thomas Opsahl
Thomas Opsahl, D.M.D., Chair

Dated: 9/14/05

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 9/21/05