

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

IN RE:)
RICHARD S. VENMAR, DMD) Docket No. 2018-81
License No. 016.0000819)

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. St. James, and the Respondent in this matter, Richard S. Venmar, D.M.D., represented by William A. O'Rourke, III, Esq., who stipulate and agree as follows:

Board Authority

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

Statement of Facts

2. Richard S. Venmar, DMD ("Respondent") of Barre, Vermont is licensed by the State of Vermont as a Dentist under license number 016.0000819. This license was originally issued July 28, 1980, and expires on September 30, 2019.
3. During all relevant times, Respondent was the owner and supervising dentist of Richard Venmar, DMD, PC, in Barre, Vermont.
4. In September of 2014, Patient was a resident Woodridge Rehabilitation and Nursing Home in Berlin, Vermont (the "nursing home").
5. Patient was rehabilitating from surgery and was unable to travel.
6. Patient's dentures went missing during her stay at the nursing home.
7. On September 19, 2014, Patient's daughter spoke with Registered Traditional Dental Assistant ("RTDA") C.S. at Respondent's office to inquire about replacing Patient's dentures.
8. RTDA C.S. discussed the options of temporary dentures or a more permanent set of dentures.

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9. RTDA C.S. also told Patient's sister that because Patient could not travel, someone from Respondent's office could go to the nursing home and meet with Patient there.
10. On September 30, 2014 RTDA C.S. traveled alone to the nursing home to make models for both upper and lower transitional dentures.
11. Taking impressions for Patient's upper and lower dentures involved placing an impression material into an impression tray and putting it in the Patient's mouth until it sets up.
12. Under 26 V.S.A. §642(a), Registered Traditional Dental Assistants may only perform intraoral tasks under the direct supervision of a Dentist.
13. 26 V.S.A. §561(7) defines "direct supervision" as "supervision by a licensed dentist who is readily available at the dental facility for consultation or intervention."
14. Respondent did not accompany RTDA C.S. to the nursing home.

Violation One: 3 V.S.A. §129a(a)(3) Failing to comply with provisions of federal or State statutes or rules governing the practice of the profession, incorporating 26 V.S.A. § 642(a), 26 V.S.A. § 561(7), and ARBDE Rule 1.11(4) Permitted Practices.

15. The State re-alleges and incorporates Paragraphs 2 through 14 above.
16. As a Dentist, Respondent is required to comply with provisions of federal or State statutes or rules governing the practice of the profession.
17. Per ARBDE Rule 1.11(4), Dentists are responsible for the direct supervision of dental assistants.
18. Paragraphs 2 through 14 above demonstrate that Respondent failed to directly supervise a dental assistant in the performance of her duties.
19. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(3), incorporating 26 V.S.A. § 642(a), 26 V.S.A. § 561(7), and ARBDE Rule 1.11(4).

Understandings

20. Respondent admits that the facts above are true and that the conditions below are necessary to protect the public.
21. 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.

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22. 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.
23. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
24. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
25. 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.
26. 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.
27. 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 of Dental Examiners hereby **WARNS** Respondent's license.
- B. An **ADMINISTRATIVE PENALTY OF FIVE HUNDRED DOLLARS (\$500)** is assessed against Respondent. Respondent shall remit payment within ninety (90) days of the date of entry of this Order
- 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:

Dated: 1/7/18

STATE OF VERMONT
SECRETARY OF STATE

By: Elizabeth A. St. James
Elizabeth A. St. James
State Prosecuting Attorney

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Dated: 1/2/2019

APPROVED AS TO FORM ONLY:

Dated: 4/2/2019

APPROVED AND SO ORDERED:

Dated: 3/13/19

Date of Entry: 3.14.19

RICHARD S. VENMAR, D.M.D.
RESPONDENT

By: [Signature]
Richard S. Venmar, D.M.D.

WILLIAM A. O'ROURKE, III, ESQ.
ATTORNEY FOR RESPONDENT

By: [Signature] HI
William A. O'Rourke, III, Esq.

VERMONT BOARD OF DENTAL
EXAMINERS

By: [Signature]
Chairperson

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