

BEFORE THE STATE BOARD OF DENTAL EXAMINERS

STATE OF COLORADO

Case No. 2004-000132

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CEASE AND DESIST ORDER

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To: Michael DeRose, D.D.S. ("Respondent")  
DeRose Children's Dental Clinic  
1022 Liberty Lane  
Pueblo, CO 81001

THE COLORADO STATE BOARD OF DENTAL EXAMINERS ("the Board"), hereby finds reasonable cause to believe that you have violated provisions of the Colorado Dental Practice Law, § § 12-35-101, C.R.S., et. seq. by employing and/or aiding and abetting the practice of dentistry by unlicensed dentists in the State of Colorado.

1. Respondent currently holds an active license to practice dentistry in the state of Colorado, license no. 5133.
2. Respondent participates and trains dentists in the "new hire dentist orientation and education program" for dentists hired to perform dentistry in the clinics owned by Respondent, and by Edward DeRose, D.D.S. and William Mueller, D.D.S. This program is only offered to dentists hired to perform dental services at these clinics. Respondent states that the purpose of the orientation/education program "is to ensure that all newly hired dentists are comfortable and professionally competent with the operation of the clinic and that they can successfully provide routine general dental care for our children." According to Respondent, this program provides "all newly hired dentists into our organization an opportunity to spend 2 to 4 weeks in one of our Colorado clinics to observe, understand and perform routine general dental services for children..." Once the dentist completes the program, "they will be moved to the appropriate clinic where they were hired to work."
3. The dentists in the "new hire dentist orientation and education program" are employees of DeRose Children's Dental Clinic and 6<sup>th</sup> Street of Denver Dental Clinic. Not all of these dentists are licensed to practice in the State of Colorado. These dentists perform routine general dental services for children at these clinics. Pursuant to § 12-35-109(1)(c), C.R.S.: It is unlawful for any

person to practice dentistry or dental hygiene in this state except those: Who are duly licensed as dentists or dental hygienists pursuant to this article.

4. The Board has reasonable belief that the "new hire dentist orientation and education program" does not fulfill the requirements of § 12-35-111(1)(f), C.R.S. Section 12-35-111(1)(f), C.R.S. permits practice of dentistry ... while appearing in programs of dental education or research at the invitation of any group of licensed dentists or dental hygienists in this state who are in good standing." The participants of Respondent's program are hired dentists. They are not "invited" participants in the clinics; they are paid employees. Further, the Board has reasonable belief that the program described by Respondent is consistent with employee orientation and not a valid dental education or research program. As stated by Respondent, "Once the dentist completes the program, they will be moved to the appropriate clinic where they were hired to work." As such, the hired dentists must be licensed to practice dentistry in the State of Colorado.

#### THE STATUTORY AUTHORITY OF THE BOARD IS AS FOLLOWS:

Pursuant to § 12-35-109(1)(c), C.R.S.: It is unlawful for any person to practice dentistry or dental hygiene in this state except those: Who are duly licensed as dentists or dental hygienists pursuant to this article.

Pursuant to § 12-35-103(5), C.R.S., "Proprietor" includes any person who: (a) Employs dentist, dental hygienists, or dental auxiliaries in the operation of a dental office....

Pursuant to § 12-35-118(1) Unprofessional conduct defined: (f) The aiding and abetting, in the practice of dentistry or dental hygiene, of any person not licensed to practice dentistry or dental hygiene as defined under this article....

Pursuant to § 12-35-132(2), C.R.S., If the Board has reasonable cause to believe that any person is violating any provisions of this article, ... in addition to all other actions provided for in this article and without prejudice thereto, it may enter an order requiring such person to cease and desist from violating this article....

#### CEASE AND DESIST

**Pursuant to the authority granted to the Board by § 12-35-132, C.R.S.: IT IS HEREBY ORDERED BY THE COLORADO STATE BOARD OF DENTAL EXAMINERS that Michael DeRose, D.D.S. shall immediately CEASE AND DESIST from employing and/or aiding and abetting the practice of dentistry by unlicensed persons in the State of Colorado.**

Repetition of such conduct may result in the imposition of the further remedies set forth in § 12-35-132, C.R.S., and in disciplinary action as set forth in § 12-35-118(1)(f), (dd), or such other applicable provision of the Dental Practice Law of Colorado.

The foregoing CEASE AND DESIST ORDER is approved and effective this 29<sup>th</sup> day of March, 2004.

FOR THE COLORADO STATE BOARD  
OF DENTAL EXAMINERS

Karen Brumley  
Karen Brumley, Program Director