

Dr. G Robert Evans
DN-08-133
DN 13901

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN DENTISTRY

_____)
In the Matter of)
Dr. G Robert Evans)
License No. 13901)
_____)

Docket No. DN-08-133

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Dentistry ("Board") and Dr. G Robert Evans ("Licensee"), License No. 13901, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee hereby states that he/she voluntarily enters into this Consent Agreement for Probation ("Agreement") in order to resolve disputed matters arising out of the Complaint pending against the Licensee before the Board as Docket No. DN-08-133 ("the Complaint").
2. The Licensee and the Board stipulate and agree that this matter has been resolved without any findings, and by agreement, in order to resolve a dispute between the parties without having to proceed to a formal adjudicatory hearing on the allegations as follows:
 - a) Failed to comply with M.G.L. c. 112, § 61, by practicing beyond the scope of dentistry; and
 - b) Failed to comply with CMR 2.04 (17) (a) by failing to perform and/or document oral cancer screening, the type of suture material used and the number of sutures when performing oral surgery.
3. In order to resolve this matter without further proceedings before the Board, the Licensee and the Board agree that on the date of the execution of this Agreement by the Board ("Effective Date") the Board will order that the Licensee be placed on **Probation for a Period of two (2) years** from the Effective Date of this Agreement (Probation Period).
4. Within two (2) years from the Effective Date of this Agreement, the Licensee shall provide written proof satisfactory to the Board that he/she has taken and successfully completed Board approved continuing education courses in the following areas:

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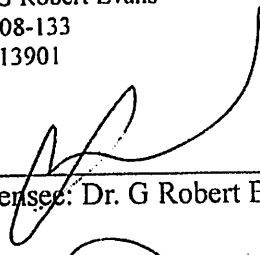
Full Day: Risk Management
Full Day: Record Keeping
Full Day: Diagnosis and Treatment Planning for the General Practitioner

- (a) The course description(s) shall be submitted to the Board for **pre-approval** prior to taking the course.
- (b) All courses must be attended and shall not be self-study and/or taken through a computer based on-line program.
- (c) The Board approved continuing education courses shall be taken in **addition** to the continuing education courses required to maintain his/her license to practice dentistry pursuant to 234 CMR 5.01(1);
- (d) The burden of proof of compliance with the requirements of the Probation is on the Licensee.
5. During the Probationary Period, the Licensee further agrees that he/she shall comply with all of the following requirements to the Board's satisfaction:
- a) The Licensee shall notify the Board in writing of any change in his/her current address of record within seven (7) calendar days of such changes.
- b) During the Probation Period, the Licensee shall not:
- i. violate any law or regulation (state or federal) relating to the practice of dentistry;
 - ii. commit any act that constitutes deceit, malpractice, gross misconduct in the practice of dentistry, offenses against laws or regulations relating to the practice of dentistry, unprofessional conduct, or conduct which undermines public confidence in the integrity of the profession;
 - iii. violate any regulations promulgated by the Board set forth in 234 CMR 1.00 et. seq.
- c) The Licensee agrees to fully cooperate and respond to any inquiry or request made by the Board during the Probation Period.
6. The Licensee agrees that his/her failure to satisfy any of the terms of Probation set forth in paragraphs (4) and/or (5) shall result in further disciplinary action by the Board pursuant to subparagraph (6) (a).
- a) The Licensee shall be entitled to a hearing as to whether he/she violated the terms and conditions of Probation as set forth in paragraphs (4) and/or (5) This hearing shall be conducted in accordance with the State Administrative Procedure Act, M.G.L. ch 30A

. §§ 10 and 11, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 and 1.03.

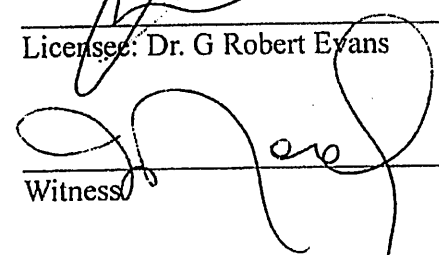
- b) After a hearing, if the Board determines that a violation did occur during the Probation Period, it will impose a further sanction deemed appropriate in its discretion.
 - c) The Licensee agrees that the Licensee will not be entitled to a hearing to dispute the underlying allegations contained in the Complaint included in Docket No. DN-08-133. The Licensee acknowledges and agrees that by entering into this Agreement, he/she is relinquishing important procedural rights.
7. The Licensee understands that his/her action in entering into this Agreement is a final act and not subject to reconsideration, collateral attack or judicial review in any form or forum.
 8. The Licensee acknowledges and understands that this Consent Agreement is subject to the Commonwealth of Massachusetts' Public Records Law, M.G. L. c. 4, § 7.
 9. The Board agrees that as consideration for the Licensee's entering into this Agreement, the Board will not conduct any further prosecution of allegations contained in the Complaint included in Docket No. DN-08-133. Any further prosecution on the above docket number will relate only to a determination as to any violations of the terms and conditions of this Agreement.
 10. The Licensee states that he/she enters into this Agreement of his/her own free will. The Licensee further states that he/she is aware that he/she has a right to counsel in this matter and has either conferred with counsel prior to signing this Agreement, or waived his/her right to have counsel.
 11. A waiver by the Board of any provision of this Agreement at any time shall not constitute a waiver of any other provision of this Agreement, nor shall it constitute a waiver by the Board of its right to enforce such provision at any future time.
 12. The Licensee certifies that he/she has read this document entitled "Consent Agreement for Probation." The Licensee understands that he/she has the right to a formal adjudicatory hearing concerning the Complaint included in Docket No. DN-08-133 and that at said hearing he/she would have the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his/her own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and to all other rights set forth in the State Administrative Procedure Act (M.G.L. c. 30A), and 801 CMR 1.00 *et seq.* The Licensee further understands and agrees that by executing this "Consent Agreement for Probation," he/she is knowingly and voluntarily waiving his/her right to such a formal hearing, and to all of the above-listed rights attendant thereto, except as provided in subparagraph (6)(a).

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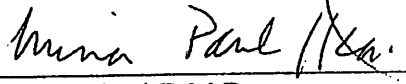
Date Signed: 2.1.10



Witness

Date Signed: 2.1.2010

Board of Registration in Dentistry



Dr. Mina Paul D.M.D.
Chairperson

Date Signed: 2.5.2010

Effective Date:

2.5.2010