STATE OF MICHIGAN
DEPARTMENT OF LICENSENG AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF DENTISTRY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

DARREN MICHAEL RIOPELLE, D.D.S.
License No. 29-01-016820,
Respondent. File No. 29-17-147656

CONSENT ORDER

On January 3, 2018, the Department of Licensing and Regulatory Affairs executed an Administrative Complaint charging Respondent with violating the Public Health Code, MCL 333.1101 et seq.

Respondent has admitted that the facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(a) and (b)(i). The Disciplinary Subcommittee of the Michigan Board of Dentistry has reviewed this Consent Order and Stipulation and agrees that the public interest is best served by resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(a) and (b)(i).

IT IS ORDERED that for the cited violation(s) of the Public Health Code, Respondent is placed on PROBATION for a minimum of one day not to exceed one year, commencing on the effective date of this Order. The terms of probation shall be as follows:

Consent Order and Stipulation
File No. 29-17-147656
1. **CONTINUING EDUCATION:** Respondent shall successfully complete and submit satisfactory evidence of completing a minimum of four hours of continuing education accepted by the Michigan Board of Dentistry in the area of oral diagnostics. This continuing education **shall not** apply in computing Respondent's current continuing education requirements for license renewal. Respondent shall seek and obtain pre-approval of the continuing education from the Chairperson of the Board or the Chairperson's designee.

Respondent shall mail requests for pre-approval and proof of the successful completion of the continuing education to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section**, P.O. Box 30670, Lansing, MI 48909.

2. **COMPLIANCE WITH THE PUBLIC HEALTH CODE:** Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated thereunder.

3. **COSTS:** Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.

**IT IS FURTHER ORDERED** that Respondent shall be automatically discharged from probation upon receipt by the Department of satisfactory evidence of the successful completion of the continuing education terms as set forth above, PROVIDED Respondent has paid the fine set forth below, complied with the terms of this Order, and has not violated the Public Health Code.

**IT IS FURTHER ORDERED** that for the cited violation(s) of the Public Health Code, Respondent is FINED $3,000.00 to be paid to the State of Michigan within 60 days of the effective date of this Order.
IT IS FURTHER ORDERED that the fine shall be mailed to the Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, MI 48909. The fine shall be paid by check or money order, made payable to the State of Michigan, and shall clearly display file number 29-17-147656.

IT IS FURTHER ORDERED that if Respondent fails to comply with the terms and conditions of this Order, Respondent's license shall be automatically SUSPENDED for a minimum of one day. If, within six months of suspension of the license, Respondent complies with the terms of this Order, the license shall be automatically reinstated.

IT IS FURTHER ORDERED that if Respondent's license remains suspended for more than six months, Respondent must apply for reinstatement of the license. If Respondent applies for reinstatement of the license, application for reinstatement will be in accordance with MCL 333.16245 and 16247.

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Board, as set forth below.

MICHIGAN BOARD OF DENTISTRY

By: [Signature]

Chairperson, Disciplinary Subcommittee

Dated: [Signature]
STIPULATION

1. The facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(a) and (b)(i).

2. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq., to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondent is waiving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.

3. This matter is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., and this action will be reported to the National Practitioner Data Bank and any other entity as required by state or federal law, in accordance with 42 USC 11101-11152.

4. Factors taken into consideration in the formulation of this Order are:

   Immediately following the incident that led to the Complaint, Respondent changed the referral process in the practice, requiring all dentists to complete the entire referral form themselves. Respondent also requests that any referral sources immediately contact the treating dentist with any questions or concerns about the referral.

5. William Maher, D.D.S., a member of the Board of Dentistry who supports this proposal, and the Department's representative are free to discuss this
matter with the Disciplinary Subcommittee and recommend acceptance of the resolution set forth in this Order.

6. This Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Disciplinary Subcommittee in this matter.

7. This proposal is conditioned upon acceptance by the Disciplinary Subcommittee. Respondent and the Department expressly reserve the right to further proceedings without prejudice should this Order be rejected.

AGREED TO BY:

Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing
Department of Licensing and Regulatory Affairs

Dated: 3/9/18

AGREED TO BY:

Darren Michael Riopelle, D.D.S.
Respondent

Dated: 3/13/18
STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF DENTSTRY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

DARREN MICHAEL RIOPELLE, D.D.S.
License No. 29-01-016620, Respondent. File No. 29-17-147656

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Cheryl Wykoff Pezon, Acting Director, Bureau of Professional Licensing, complains against Respondent as follows:

1. The Michigan Board of Dentistry is an administrative agency established by the Public Health Code, MCL 333.1101 et seq. Pursuant to MCL 333.16226, the Board’s Disciplinary Subcommittee is empowered to discipline persons for violations of the Public Health Code.

2. Respondent is currently licensed to practice as a dentist in the state of Michigan and holds a current controlled substance license.

3. At all relevant times, Respondent was engaged in private practice in Grand Haven, Michigan.

4. On October 1, 2014, patient A.B. (initials are used to protect the patient’s identity) presented to Respondent with complaints of emergent pain and broken
teeth on the upper and lower right side of the mouth. Respondent determined that teeth #3 and 4 needed to be removed immediately due to the pain, but he would send patient A.B. to a specialist to remove other teeth under sedation.

5. On October 8, 2014, Respondent extracted teeth #3 and 4 and referred patient A.B. to a specialist for the removal of teeth #20, 30, and 31. However, Respondent failed to properly supervise the assistant who filled out the referral form, and the assistant mistakenly marked teeth #19, 30, and 31 for extraction and sent the referral form to the specialist.

6. On October 29, 2014, the specialist removed patient A.B.'s tooth #19 instead of tooth #20.

7. On September 6, 2017, during an interview with a Department investigator, Respondent admitted that he failed to realize the referral marked the wrong tooth for extraction.

COUNT I

Respondent's conduct, as set forth above, evidences a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, in violation of MCL 333.16221(a).
COUNT II

Respondent's conduct, as set forth above, evidences a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs, in violation of MCL 333.16221(b)(i).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to answer this Complaint in writing and to show compliance with all lawful requirements for licensure. Respondent shall submit the response to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of the allegations in this Complaint. If Respondent fails to answer, the Department shall transmit this Complaint directly to the Board's Disciplinary Subcommittee to impose a sanction, pursuant to MCL 333.16231(9).

Dated: 1/3/18

Cheryl Wykoff Pezner, Acting Director
Bureau of Professional Licensing

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