BEFORE THE COLORADO DENTAL BOARD  
Case No. 2013-1189-B  

STIPULATION AND FINAL AGENCY ORDER  

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE TO PRACTICE DENTISTRY OF MICHAEL DEWITT, D.D.S., LICENSE NUMBER 105943,  
Respondent.  

IT IS HEREBY STIPULATED by and between Inquiry Panel B of the Colorado Dental Board (the “Board”) and Michael DeWitt, D.D.S. (“Respondent”), as follows:  

JURISDICTION  

1. Respondent was granted a license to practice dentistry in the State of Colorado on or about June 5, 1985, being issued license number 105943, and has been so licensed at all times relevant hereto.  
2. The Board has jurisdiction over Respondent and the subject matter of this Stipulation and Final Agency Order (“Stipulation and Order”).  
3. On October 15, 2014, the Board filed a Notice of Charges in the Office of Administrative Courts, which was assigned Case No. 2014-0007.  
4. This Stipulation and Order is a full and final resolution of all claims alleged and that could have been alleged in the Notice of Charges set forth in Case No. 2014-0007. This Stipulation and Order does not resolve any other cases, complaints or matters, known or unknown to the Board or Respondent, as of the effective date of this Stipulation and Order.  

FINDINGS AND CONCLUSIONS  

5. The Board finds and Respondent admits that:  


b. Respondent failed to make essential entries in Patient P.S.’s dental chart, including but not limited to, documenting whether he utilized a rubber dental dam when he performed root canal therapy on tooth #6 on June 17, 2010.  

c. On September 13, 2012, Respondent repaired the abutment for the bridge from tooth #2-6, but failed to document that he advised Patient P.S. of the temporary nature of the repair and need for appropriate follow-up.
6. By virtue of the facts admitted in paragraph 5 above, Respondent admits, and the Board finds, that Respondent violated section 12-35-129(1)(k) and (z), C.R.S., effective July 1, 2006, which states:

Section 12-35-129(1) Grounds for disciplinary action. The Board may take disciplinary action against an applicant or licensee in accordance with section 12-35-129.1 for any of the following causes:

(z) Falsifying or repeatedly making incorrect essential entries or repeatedly failing to make essential entries on patient records.

ADMONISHMENT

7. This Stipulation and Order is effective as a letter of admonition under section 12-35-129.1(1)(a)(III), C.R.S., and Respondent is hereby admonished for the acts and omissions described in paragraphs 5 and 6 above. As part of the admonishment, Respondent agrees to all terms and conditions of this Stipulation and Order.

8. By entering this Stipulation and Order, Respondent agrees to waive the right provided by section 12-35-129(2)(b), C.R.S., to contest this letter of admonition.

CONTINUING EDUCATION COURSES

9. Within six (6) months of the effective date of this Stipulation and Order, Respondent shall complete six (6) total hours of Board pre-approved continuing education courses, as specified below.

10. Before enrolling in any course, Respondent shall request and obtain Board approval of each continuing education course. Respondent shall submit such request on a Board-approved form and shall timely submit all course information. Failure to obtain the Board's advance approval of any course is a violation of this Stipulation and Order. The Board may reject any course that it does not approve in advance.

11. Respondent shall successfully complete the following course:

a. Six (6) hours risk management to include record keeping and documentation.

12. Respondent shall submit to the Board documentation of successful completion of each continuing education course. Such documentation may be subject to the Board's approval. Failure to successfully complete, timely complete, or provide documentation of successful completion for each continuing education course to the Board is a violation of this Stipulation and Order.
OTHER TERMS

13. Respondent shall comply fully with this Stipulation and Order, the Dental Practice Act, all Board rules and regulations, and all other laws related to the practice of dentistry.

14. If Respondent relocates outside of Colorado, Respondent shall notify the Board of the change of address within thirty (30) days of such relocation. Respondent understands that the Board will notify the dental board, or the equivalent regulatory agency, of the jurisdiction to which Respondent relocates of the existence and terms of this Stipulation and Order.

15. During pendency of the terms of this Stipulation and Order, Respondent shall attend any meeting with the Board, upon thirty (30) days notice from the Board, if Respondent resides in Colorado and upon sixty (60) days notice if Respondent resides out of state.

16. Respondent acknowledges and agrees that any violation of this Stipulation and Order is a violation of a lawful Board order pursuant to section 12-35-129(1)(i), C.R.S., constituting grounds for further proceedings pursuant to the Dental Practice Act, including but not limited to suspension in accordance with section 12-35-129.1(5), C.R.S., until Respondent has complied with the terms of this Stipulation and Order. If this matter is referred to hearing for violation of this Stipulation and Order, this Stipulation and Order shall be admissible as evidence. If an alleged violation of this Stipulation and Order proceeds to hearing and the facts that constitute the violation are not proven, any suspension instituted pursuant to section 12-35-129.1(5), C.R.S., shall cease and no further disciplinary action shall be taken by the Board, and this Stipulation and Order shall remain operative and in full force and effect. The pendency of any disciplinary action pursuant to this Stipulation and Order shall not affect the obligation of Respondent to comply with the terms of this Stipulation and Order.

17. This Stipulation and Order is entered into by Respondent voluntarily, after the opportunity to consult with counsel, and with full understanding of the legal consequences of this Stipulation and Order. The parties agree that no term of this Stipulation and Order is unconscionable.

18. All costs and expenses incurred by Respondent to comply with this Stipulation and Order shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board.

19. This Stipulation and Order constitutes the entire agreement between the parties. There are no other agreements or promises, written or oral, that modify, interpret, construe, or affect this Stipulation and Order. If a court of competent jurisdiction deems a provision unenforceable, such provision shall be severed, and the remainder of this Stipulation and Order shall be given full force and effect.
20. This Stipulation and Order is a public record in the custody of the Board at all times and shall be reported as required or otherwise authorized by law.

21. This Stipulation and Order shall become an order of the Board when it is accepted and signed by the Program Director or authorized Board representative.

22. This Stipulation and Order shall become effective upon (a) mailing by first-class mail to Respondent at Respondent's address of record with the Board, or (b) service by electronic means on Respondent at Respondent's electronic address of record with the Board. Respondent hereby consents to service by electronic means if Respondent has an electronic address on file with the Board.

23. In the event this Stipulation and Order does not become an order of the Board, it shall be void and Respondent shall not be bound by any provisions or admissions herein.
AGREED TO AND ACCEPTED BY:

RESPONDENT

Michael DeWitt, D.D.S.

COLORADO DENTAL BOARD
INQUIRY PANEL B

By: Maulid Miskell
Program Director
1560 Broadway, Suite 1350
Denver, CO 80202

The FOREGOING Stipulation and Final Agency Order is effective upon service to Respondent, on this 10th day of June, 2015.

APPROVED AS TO FORM:

CYNTHIA H. COFFMAN
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Inquiry Panel B
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