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SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN DENTISTRY

OCT 14 2014

OFF. PUBLIC PROTECTION

_____	)
In the Matter of	)
Dr. Howard Duchon	)
	)
License No. DN 21998	)
License expired 03/31/2014	)
_____	)

Docket No. DEN-2011-0193

**CONSENT AGREEMENT FOR REPRIMAND**

The Massachusetts Board of Registration in Dentistry ("Board") and Howard Duchon ("Licensee"), License No. DN 21998, 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.

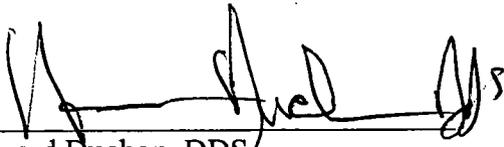
1. The Licensee hereby states that he voluntarily enters into this Consent Agreement ("Consent Agreement") to resolve the allegations set forth in Docket No. DEN-2011-0193 ("Complaint").
2. The Licensee acknowledges there may be sufficient facts in the Complaint upon which the Board could conclude sufficient grounds exist to order disciplinary action under Massachusetts General Laws (M.G.L.) c. 112, s. 61 and Board regulations.
3. The Licensee and the Board stipulate and agree that the Board received a letter from the Licensee in which the Licensee officially and permanently relinquished his right to renew his dental license for medical reasons. The Licensee and the Board further agree to resolve this matter without making any findings and without having to proceed to a formal adjudicatory hearing on the Complaint as follows:
  - (a) The Licensee failed to obtain either General Informed Consent or Specific Informed Consent prior to extraction of one of a patient's teeth and endodontic treatment of another of the patient's teeth in violation of 234 CMR 5.15; and
  - (b) After providing the Board with a copy of a patient's treatment record, the Licensee submitted a second copy of the patient's treatment record which

contained altered entries in violation of 234 CMR 9.05 (18).

4. To resolve the Complaint without further proceedings before the Board, the Licensee agrees to and the Board hereby imposes a *Reprimand* on his license pursuant to 234 Code of Massachusetts Regulations ("CMR") 9.03 (2)(a) effective as of the date the Board signs this Consent Agreement ("Effective Date").
5. The Licensee understands his action in entering into this Consent Agreement is a final act and not subject to reconsideration, collateral attack or judicial review in any form or forum.
6. Within **thirty (30) days** of the Effective Date, Licensee shall provide a copy of this Consent Agreement to all dental boards which have licensed him to practice dentistry.
  - (a) Licensee shall provide written documentation to the Board demonstrating his compliance with paragraph (6).
  - (b) If licensee is not licensed to practice dentistry or another profession in any other jurisdiction, he shall submit an attestation to the Board stating such.
7. The Licensee understands and acknowledges this Consent Agreement is a public record within the meaning of M.G.L. c. 4, § 7 and as such may be disseminated to the public.
8. In consideration of the Licensee entering into this Consent Agreement, the Board will not conduct any further prosecution of the Complaint, unless the Licensee does not fulfill the stipulations as stated in Paragraphs 6 above.
9. The Licensee states he is entering this Consent Agreement of his own free will. The Licensee further states he is aware that he has a right to counsel in this matter and either has conferred with counsel prior to signing this Consent Agreement or waives his right to consult with counsel.
10. A waiver by the Board of any provisions of this Consent Agreement at any time shall not constitute a waiver of any other provision of this Consent Agreement, nor shall it constitute waiver by the Board of its rights to enforce such provision at any future time.
11. The Licensee has read Consent Agreement. The Licensee understands he has the right to a formal adjudicatory hearing concerning the allegations set forth in the Complaint and that at a hearing he would have the right to confront and cross-examine witnesses, call witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, seek judicial review and to all other rights set forth in the State Administrative Procedure Act (G.L. ch. 30A), and 801 CMR 1.00 *et seq.* By executing this Consent Agreement, Licensee knowingly and

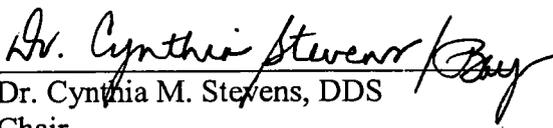
voluntarily waives his right to a formal adjudicatory hearing and to all of the above-enumerated rights set forth in the State Administrative Procedure Act (G.L. ch. 30A), and 801 CMR 1.00 *et seq.*

Licensee:

  
Howard Duchon, DDS

Date Signed: OCT. 9, 2014

Board of Registration in Dentistry:

  
Dr. Cynthia M. Stevens, DDS  
Chair

Date Signed: 10/17/14

Effective Date: 10/17/14