

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
VERMONT BOARD OF DENTAL EXAMINERS**

In re: JACQUELINE LOCKWOOD	}	
License No. 014.0001251	}	Docket No. 2023-1
	}	

FINDINGS AND ORDER

Participating Board Members:

William Koch, DDS, Vice Chair
Linda Greaves, RDH
Lucille Kelly, DEDA
Ellen Grimes, RDH, MD, MPA, EDD
Toby Kravitz, DDS
Favid Hamidzash, DMD

Appearances:

Prosecuting the case: Ultan Doyle, Esq., who participated electronically.
Respondent: did not participate

Presiding Officer:

George K. Belcher

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

This matter came before the Board of Dental Examiners on Specification of Charges dated January 5, 2023, which is labelled Exhibit 1 and attached hereto. The hearing was held electronically on July 12, 2023, with the prosecutor and the Board members all participating by telephone or via electronic means pursuant to the Office of Professional Regulation Rules.

Findings of Fact

Based on the evidence presented at the hearing, the pleadings, and the arguments of counsel, the Vermont Board of Dental Examiners finds as follows:

1. Respondent is licensed as a Registered Traditional Dental Assistant in the State of Vermont. The Respondent is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. Chapter 12, the Administrative Rules of the Board of Dental Examiners, and the Rules of the Office of Professional Regulation.
2. The prosecutor has filed a Specification of Charges. All of the charges were admitted by the Respondent in her answer dated January 30, 2023. A copy of the Specification of Charges is attached to this Decision and Order as Exhibit 1. The alleged facts set forth in the Specification of Charges are deemed admitted and proven.

3. The Respondent did not participate in the hearing and there were no objections to notice.
4. The matter was presented to the Board for a determination of the appropriate sanction.
5. The prosecutor recommended an indefinite suspension of Respondent's license (registration) with pre-conditions for reinstatement including an independent evaluation and the standard drug and alcohol conditions. The Board also was of the view that there should be a pre-condition for reinstatement to include the successful completion of a course on Cultural Sensitivity Training pre-approved by the Enforcement Unit Case Manager. These recommendations were adopted by the Board on motion duly made, seconded and voted unanimously.

Conclusions of Law

1. The pleadings and evidence presented shows facts which justify a finding of unprofessional conduct by the Respondent and specifically violations of: first, 26 VSA Sec. 584(9) [Practicing dentistry in a manner as to endanger the health or safety of the public]; second, 3 VSA Sec. 129a(a)(15) [Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession]; and third, 3 VSA Sec. 129a(a)(26) [Sexually harassing a co-worker in a manner that threatens the health, safety or welfare of patients, clients or consumers; failing to maintain professional boundaries, or violating a patient, client, or consumer's reasonable expectations of privacy]. The Board finds these statutes were violated.
2. Pursuant to the findings and conclusions above, the Board does order as follows.

Order

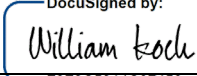
1. The indefinite suspension of the Respondent's license (registration) is ordered until the Respondent petitions for reinstatement and the Board has reinstated her license.
2. Prior to seeking reinstatement, the Respondent shall petition for reinstatement. Within forty-five (45) days of requesting reinstatement, Respondent must, at her own cost:
 - (a) Obtain an independent evaluation report by a pre-approved licensed professional specializing in drug and alcohol abuse ("Independent Evaluator") who has verified receipt of this Order. The results of the Independent Evaluation must indicate that Respondent does not present a risk to the safety, health or welfare of Respondent's potential patients, as well as any recommendations that would ensure that the Respondent is safe to practice. The evaluation must be submitted to the Enforcement Unit Case Manager;
 - (b) Submit to the Enforcement Unit Case Manager the results of a minimum of three (3) random drug and alcohol screens:
 - (i) When Respondent is ready to petition for reinstatement, Respondent shall contact the Enforcement Unit Case Manager at the Office of Professional Regulation to set-up the drug and alcohol screen process and receive instructions. Once registered with the pre-approved person or entity, Respondent will have 45 days to submit to a minimum of three (3) random drug and alcohol screens. The process by which Respondent learns whether the Respondent is selected to provide a sample on any given day

- will be governed by the policy of the pre-approved person or entity conducting the testing at that time;
- (ii) The drug and alcohol screens must be collected in an observed setting, administered by a pre-approved person or entity, and analyzed by a pre-approved lab qualified to analyze samples for forensic purposes, the result of which shall be negative;
 - (iii) Failure to appear for, refusal to provide, adulteration of, dilution of, or tampering with a drug or alcohol screen in any way shall cause that screen to be presumed positive; and
- (c) If recommended by an Independent Evaluator, the respondent must enter into a treating professional agreement and substance abuse treatment plan with a pre-approved treating professional(s) and follow all recommendations. If treatment is recommended, Respondent must submit a treating professional agreement to the Enforcement Unit Case Manager before a reinstatement request will be considered.
 - (d) Successfully complete a course in Cultural Sensitivity Training which is pre-approved by the Enforcement Unit Case Manager

If reinstated, Respondent's license **SHALL BE CONDITIONED** pursuant to whatever terms are reasonable at the time of Respondent's reinstatement request taking into account the independent evaluation, the drug and alcohol screen results, the facts contained in this Order, and any other relevant factors at that time.

SO ORDERED.

Vermont Board of Dental Examiners

By: 
William Koch, DDS
Vice Chair

Date: _____, 2023

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 7/18/2023

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Dental Examiners or Director of the Office of Professional Regulation. A party aggrieved by a final decision of a board or hearing authority may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 89 Main Street, Fl. 3, Montpelier, VT 05620-3402 within 30 days of the entry of this order. If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged

irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

Office of Professional Regulation
Answer

Case Name: <u>Jaqueline Lockwood</u>	Docket Number: <u>2023-1</u>
Your Name: _____ (person completing the form B either the respondent or the respondent's attorney)	
Telephone: (daytime) _____ E-mail _____	

Attach Additional Sheets As Needed

1. Undisputed Facts: State all material facts in the charges that you do not dispute. You may use the paragraph numbers from the specification of charges rather than repeating each statement.

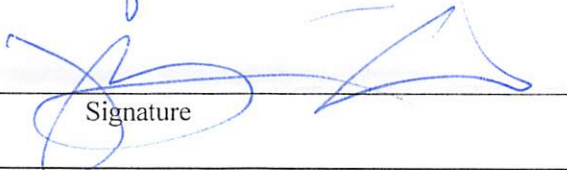
ALL I CAN SAY IS I AM SORRY - DEPRESSION AND GRIEF/LOSS
HAVING LOST MY MOTHER TO A HORRIBLE DEATH OF BRAIN CANCER,
MY HUSBAND SUFFERING A MAJOR STROKE WITH ALL THAT COMES
WITH THAT THEN TRYING TO COPE AND STRESS I REALLY BROKE AND
AM TRULY ASHAMED AND EMBARRASSED. THIS IS TOTALLY NOT MY
CHARACTER AND I AM SORRY. I AM THE MAJOR INCOME IN MY
HOUSEHOLD AND ASK FOR MERCY IN YOUR DECISION. I HAVE BEEN
SEEKING ASSISTANCE WITH MY DEPRESSION AND THIS WILL NEVER HAPPEN
AGAIN - RESPECTFULLY Jaqueline Lockwood

2. Disputed Issues of Fact: State all material facts that you contend are disputed. You may use the paragraph numbers from the specification of charges rather than repeating each statement.

3. Legal Defenses: List all defenses that you intend to present to the charges.

4. Sign and Date: By signing, I affirm that all pages of this form are complete and truthful.

I ☒ have have not attached additional information.


Signature

1/30/2023
Date

Please mail the original to:

Vermont Secretary of State
Office of Professional Regulation
Attn: Docket Clerk
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402

You must also send a copy to:

Prosecuting Attorney who charged the case
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402



State of Vermont
Office of the Secretary of State

Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
sos.vermont.gov

James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary
S. Lauren Hibbert, Director

January 10, 2023

Jacqueline Lockwood
426 East Road
Tinnmouth, VT 05773

CASE: In Re Jacqueline Lockwood
Credential: License # 014.0001251
Docket No.: 2023-1



NOTICE OF SPECIFICATION OF CHARGES

The State Prosecuting Attorney has filed the enclosed *Specification of Charges* and has asked the Office of Professional Regulation to take disciplinary action against your license.

You or your attorney must file a written Answer to the charges **within 20 days** of the date of this notice. Enclosed is an Answer form as a suggested format for your response to the charges. Return your Answer to the Docket Clerk and Prosecuting Attorney at the addresses listed on the Answer form. Once your Answer has been received, a hearing will be scheduled.

If you fail to answer the charges **within 20 days**, disciplinary action may be taken against your license by default and without your input. The *Administrative Rules for the Office of Professional Regulation* are available online at <https://sos.vermont.gov/opr/>.

If you have an attorney who has filed a Notice of Appearance with this office, we will continue to send copies of all correspondence to both you and your attorney unless directed otherwise.

Sincerely,

/s/Julie Bowen
Docket Clerk

Enclosures: *Specification of Charges and Answer Form*

cc:

Ultan Doyle, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Jacqueline Lockwood, Respondent, First Class Mail, Certified Mail & Email

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF DENTAL EXAMINERS**

IN RE:)
JACQUELINE LOCKWOOD) **Docket No. 2023-1**
License No. 014.0001251)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont, by and through State Prosecuting Attorney, Ultan Doyle, and makes the following charges against the Respondent, Jacqueline Lockwood:

Board Authority

1. The Vermont State Board of Dental Examiners (the “Board”) has jurisdiction to hear matters involving allegations of unprofessional conduct committed by dentists, dental hygienists, and dental assistants pursuant to 3 V.S.A. §§127, 129, 129a; 26 V.S.A. Chapter 12; the Administrative Rules of the Board of Dental Examiners (“ARBDE”); and the Rules of the Vermont Office of Professional Regulation (“OPR”).

Statement of Facts

2. Jacqueline Lockwood (“Respondent”) of Waterbury Center, Vermont is licensed by the State of Vermont as a Registered Traditional Dental Assistant under license number 014.0001251. This license was originally issued on May 4, 1993, and expires on September 30, 2023.
3. From May 24, 2021 until May 11, 2022, Respondent worked as a pediatric dental assistant at the Community Health Center of the Rutland Region (the “Facility”) located in Rutland, Vermont.
4. On or about March 23, 2022, Respondent and S.A.—the pediatric practice’s only dentist and Respondent’s supervisor—got into a dispute about how clinical notes should be entered.
5. Respondent left work extremely upset about the dispute and later called coworker, H.B., to tell her what had happened.
6. During the call with H.B., Respondent’s speech was slurred, and it appeared that she had been drinking.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

7. While talking with H.B., Respondent became increasingly upset about the dispute with S.A. and said, “wait until my redneck friends up north hear what she is doing to me with my notes.”
8. Respondent also referred to S.A. as a “nigger” and said that she needed to back to Africa.
9. Respondent referenced the Ku Klux Klan during the call and said that S.A. had better be careful because her brake lines may be cut someday.
10. H.B. noticed that after this call Respondent appeared to become increasingly combative with S.A. at work.
11. In or around late April or early May of 2022, during a procedure with a biracial child, Respondent told the child that “because you are being so well behaved, you can sit in the front of the bus today.”
12. In or around April of 2022, Respondent commented to coworker, M.W., that S.A. was “weird” because she fasted during Ramadan.
13. Respondent made comments to co-workers about S.A. having had a “lap band” (laparoscopic gastric banding) procedure and “lady parts” surgery.
14. Respondent suggested to coworkers that S.A. may have had breast cancer because she thought that S.A. looked smaller in the chest area and asked them for details about a health-related issue that cause S.A. to miss work for a few days.
15. Respondent told M.W. that S.A. was not able to get a ride with her because she would not fit in Respondent’s car.
16. Respondent sent a message to coworker, C.V., in which she said, “You can talk to her [referring to S.A.] but she is weird. Muslim.”
17. Respondent told co-worker, H.B., that a lot of black men would come to the area and get white women pregnant and then live off them.
18. Respondent told S.A. that African American men came to Rutland to get white women pregnant so that they could have “anchor babies” with them which would allow the men to stay and distribute drugs.
19. Respondent told S.A. that for many of the patients who came to the practice, it would have been the first time they had ever seen someone who looked like S.A.
20. In early May of 2022, S.A. learned from H.B. that Respondent had made statements about cutting S.A.’s brake lines and referring to her as a “nigger.”

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

21. Upon hearing of those statements, S.A. said she “freaked out.”
22. On or about May 8, 2022, S.A. made a complaint to the Facility’s HR department.
23. S.A. was originally going to stay on in the Facility for three months while HR investigated her complaint, but when she learned that Respondent would be placed on administrative leave and notified of the complaint, she decided to leave Vermont immediately and moved to another state to be with her husband.
24. S.A. quit her job at the Facility because she was scared for her life after hearing of Respondent’s threats.
25. On or about May 9, 2022, S.B., the Facility’s HR director, called Respondent to inform her that she was being placed on administrative leave, to which Respondent replied, “fuck you.”
26. After she was placed on administrative leave, Respondent sent text messages to R.R., the Facility’s dental director, which included the following: “Fuck you,” “Assholes abound,” “Hope you all succumb to COVID,” “Stupid is as stupid is,” “Bring it,” “OSHA will be coming,” “Fuck off,” “Y’all can kiss my ass,” and “I am mad and pissed off. I have friends with deep pockets. Y’all are fucked.”
27. Around the same time, Respondent also sent messages to E.S., the Facility’s manager, which included the following: “I guess I can go say go fuck yourself,” “We’ll I am pissed the fuck off,” “Shit, I was way under payed [sic],” and “[S.A.] sucks bad.”
28. On May 11, 2022, the Facility terminated Respondent for discrimination based on race, ethnicity and religion, and for requesting medical information that was not needed.
29. Following her termination, Respondent sent a message to H.B. in which she said, “FUCK YOU.”
30. Respondent also sent the following message to C.V.: “Told them to go fuck off. What the hell. I got fired. For real. Hr called me. Game on girl. I will be dead soon. I am done.”
31. A few days later, Respondent posted the following message in her Facebook account: “For the person that screwed (f@\$ked) me over...Karma is a bitch and she knows all! She sees you when your [sic] sleeping...she knows when you’re awake...she knows you’ve been bad and worse...shut your mouth for f&&cking sake!” The message was accompanied by a photo of two individuals sitting in a subway train wearing pig masks.



32. Respondent acknowledged to OPR investigators that she got into a dispute with S.A. over how clinical notes were to be entered but did not remember much of her conversation with H.B. later that night because she had consumed two bottles of wine by the time they spoke.
33. Respondent also reported that when she sent the text messages to R.R. and E.S. after being placed on administrative leave, she was upset and had just consumed four drinks.
34. Respondent admitted that she posted the message to her Facebook account with the photo of two people sitting on a subway train and said she did so because she was “just mad.”

Violation One: 26 V.S.A. §1582(a)(3) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

35. The State re-alleges and incorporates Paragraphs 2 through 34 above.
36. As a Registered Traditional Dental Assistant, Respondent is required to refrain from engaging in conduct of a character likely to deceive, defraud, or harm the public.
37. Paragraphs 2 through 34 above demonstrate that Respondent engaged in conduct of a character likely to harm the public when, during a conversation with H.B., she made racist and threatening comments about S.A., which ultimately led S.A. to fear for her life and quit her job at the Facility.
38. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct of a character likely to deceive, defraud, or harm the public in violation of 26 V.S.A. §1582(a)(3).

Violation Two: 3 V.S.A. §129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

39. The State re-alleges and incorporates Paragraphs 2 through 34 above.
40. As a Registered Traditional Dental Assistant, Respondent is required to exercise his own independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
41. Respondent’s conduct in Paragraphs 2 through 34 above demonstrate Respondent’s failure to exercise his own professional judgment in the performance

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402

of licensed activities when that judgment was necessary to avoid action repugnant to the obligations of the profession when she made racist, derogatory, harassing, and culturally insensitive comments to her co-workers and a patient.

42. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(15).

Violation Three: 3 V.S.A. § 129a(a)(26) Sexually harassing or exploiting a patient, client, or consumer, or doing so to a coworker in a manner that threatens the health, safety, or welfare of patients, clients, or consumers; failing to maintain professional boundaries, or violating a patient, client, or consumer's reasonable expectation of privacy.

43. The State re-alleges and incorporates paragraphs 2 through 34 above.
44. As a Registered Traditional Dental Assistant, Respondent is required to maintain professional boundaries.
45. Paragraphs 2 through 34 above demonstrate that Respondent failed to maintain professional boundaries when she made racist, derogatory, harassing, and culturally insensitive comments to her co-workers.
46. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(a)(26).

Relief Requested

WHEREFORE, the license of Jacqueline Lockwood should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED at Montpelier, Vermont this 5th day of January, 2023.

STATE OF VERMONT
SECRETARY OF STATE

By: Ultan Doyle
Ultan Doyle
State Prosecuting Attorney
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
(802)828-1217
ultan.doyle@vermont.gov

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
89 Main Street
3rd Floor
Montpelier, VT
05620-3402