

**STATE OF VERMONT
BOARD OF DENTAL EXAMINERS**

In re: Darcie M. Coy	}	
License No. 014-2332	}	Docket No. 2010-363 (DA)
	}	

Appearances:

Petitioner, State of Vermont: Edward G. Adrian
Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board of Dental Examiners held a hearing on the above matter on February 9, 2011 at the Office of Professional Regulation hearing room at the National Life Building in Montpelier, Vermont. Ms. Coy did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Coy is registered as a dental assistant and is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 767(2), the Administrative Rules of the Board of Dental Examiners, and the Rules of the Office of Professional Regulation.
2. On December 2, 2010 Ms. Coy was sent a Notice of Charges in this matter by certified mail to her last known address. A copy of the Specification of Charges is attached to this Default Order.
3. OPR Rule 3.3 requires that an Answer be filed within 20 days of the date on which the notice of charges was mailed by the Director.
4. Licensees are required to notify the Board of any change of address within 30 days. 3 V.S.A. § 129a(a)(14).
5. The return receipt indicates that the notice of charges was received.
6. Ms. Coy did not file an Answer to the charges within the required time.
7. On January 25, 2011 Notice of the Default Hearing scheduled for this date was mailed to Ms. Coy at that same address by certified mail. The return receipt shows that Ms. Coy received notice of this hearing.
8. Ms. Coy has not answered the charges.
9. Upon hearing the State's presentation and taking notice of its own file, the Board finds Ms. Coy to be in default. The allegations contained in the State's specification of charges dated November 23, 2010 (copy attached) are therefore treated as the facts on which the Board's order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

Ms. Coy has received adequate or constructive notice of the charges in this matter as indicated by the Board's file and the State's presentation. Because Ms. Coy has failed to answer the charges, the State's factual allegations are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in this Default Hearing held pursuant to 3 V.S.A. §809(d), that Ms. Coy has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law, Ms. Coy's license is hereby **Indefinitely Suspended** effective as of the date of the hearing. Should Ms. Coy apply for reinstatement, the Board at that time will determine whether any conditions can permit her to resume practice while protecting public health and safety.

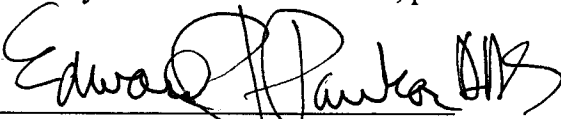
Appeal Rights

This is a final administrative determination by the Vermont Board of Dental Examiners.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, National Life Bldg., North, FL2, 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. To request a stay of the Board's decision, please refer to the attached stay instructions.

By:


Edward P. Pantzar, D.D.S., Chair

Date: February 9, 2011

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2/9/11

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

IN RE:)
DARCIE COY)
Registration No. 014-0002332)

Docket No: 2010-363 (DE)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont by and through its state prosecuting attorney, Edward G. Adrian and makes the following Charges against the Respondent, Darcie Coy:

Authority

1. The Board of Dental Examiners ("Board") has jurisdiction to investigate and adjudicate complaints of unprofessional conduct against dentists, dental hygienists and dental assistants pursuant to 3 V.S.A. §§129 and 129a; 26 V.S.A., Chapter 13; the Administrative Rules of the Board of Dental Examiners; and the Rules of the Office of Professional Regulation.

Statement of Facts

2. The Respondent, Darcy Coy, is a Registered Traditional Dental Assistant registered in Vermont under number 014-0002332. This registration was originally issued on or about August 31, 2007 and is set to expire on or about September 30, 2011.
3. At all relevant times Respondent worked for Dr. D.L. in Derby, Vermont.
4. On or about June 28, 2010 the Respondent admitted to Dr. D.L. that she had taken his prescription pad and forged prescriptions. Dr. D.L. immediately terminated the Respondent.
5. On or about July 15, 2010 the Respondent admitted to Investigator Jocelyn Stohl that she had been forging the prescriptions for her personal use.
6. A subsequent investigation revealed that the Respondent had forged prescriptions for Vicodin and Clindamycin several times in or around May and June, 2010.
7. The Respondent was arraigned on these allegations in Orleans District Court on or about, August 31, 2010. Attachment A.
8. The Respondent's registration was summarily suspended on October 19, 2010 by the Board based on the above alleged facts.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Charges

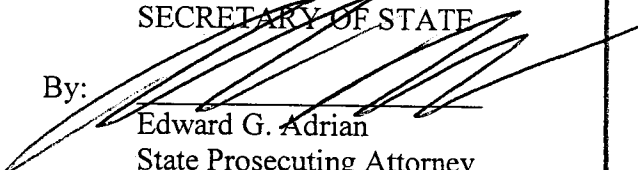
9. The above acts and circumstances, alone or in combination, violate:
- i. 3 V.S.A. § 129a(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession);
 - ii. 26 V.S.A. § 865 (the Board shall revoke or suspend registration granted under this subchapter for cause and consistent with the provisions of chapter 25 of Title 3);
 - iii. 3 V.S.A. § 129a(a)(1) (fraudulent or deceptive procurement or use of a license); and
 - iv. 3 V.S.A. § 129a(a)(7) (Willfully making or filing false reports or records in the practice of the profession; willfully impeding or obstructing the proper making or filing of reports or records or willfully failing to file the proper reports or records).

WHEREFORE, the Respondent's registration should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

DATED at Montpelier, Vermont this 23th day of November, 2010.

STATE OF VERMONT
SECRETARY OF STATE

By:


Edward G. Adrian
State Prosecuting Attorney

de.coy.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Vermont Superior Court
Orleans Criminal Division

CORRECTED CONDITIONS OF RELEASE

Date of Order: August 31, 2010

State v. Coy, Darcie

Defendant's Date of Birth: 08/05/1978

369-8-10 Oscr, count 1 FRAUD-RX
18V4223(a)(1)369-8-10 Oscr, count 2 FRAUD-RX
18V4223(a)(1)

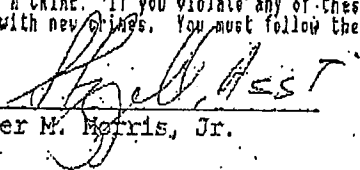
Arresting Agency: VSP-Derby

The Court has determined that future appearance(s) of the defendant will not be reasonably assured by his or her release on personal recognizance or execution of an unsecured appearance bond alone, or that the release of the defendant will constitute a danger to the public. It is therefore ORDERED that the defendant be released upon the following conditions:

1. You must come to court when you are told to.
2. You must give your attorney or the court clerk your address and phone number. If it changes, you must tell them immediately.
3. You must not be charged with or have probable cause found for a new offense while this case is open.
10. You must NOT buy, have or use regulated drugs without a valid prescription.
31. You shall not be on the premises of the local Rite Aid and Kinney Drugs.

VIOLATIONS OF ANY OF THESE CONDITIONS IS A CRIME. If you violate any of these conditions the court may send you to jail or keep you in jail and you may be charged with new crimes. You must follow these conditions until your case is closed or until the court changes the conditions.

Order of the Court:


Walter M. Morris, Jr.

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Vermont Secretary of State
Office of Professional Regulation

I have received a copy of this order. I have read it. I understand it.

Date

Time

Defendant

8/31/10

10:35

Darcie M. Coy

Attachment A

AFFIDAVIT

STATE OF VERMONT
ORLEANS COUNTY, ss.

NOW COMES (Detective Sergeant Darren Annis), affiant(s), being duly sworn and on oath, deposes and says he has probable cause to believe that (Darcie Coy 8-5-78) has committed the offense(s) of Fraud or Deceit, a violation of Title 18, Vermont Statutes Annotated Section 4223(a)(e).

The undersigned being duly sworn, deposes and says that I, Detective Sergeant Darren Annis am now and have been for the past 15 years and 11 months, a full time employee of the Vermont State Police, being presently assigned to the Derby Barracks as a Detective Sergeant.

On 6-28-10 I was contacted by Robert Ianni Jr, Supervising Pharmacist of Kinney Drug located at 55 Shattuck Hill Road in Derby; in regards to prescription fraud. He advised he was contacted by Idona Eberhardt, Pharmacy Manager of Rite Aid in Derby, about an attempted prescription fraud that had occurred at their store on Friday 6-25-10. He advised he then checked their records and found that the same person had obtained two prescriptions on 5-27-10. He explained he contacted Dr Leblanc and he advised he did not prescribe that medicine to her. Ianni advised he had the original prescriptions to turn over to me but he no longer had any video evidence of the subject uttering or picking up the prescriptions from the store.

I met with Idona Eberhardt at Rite Aid in Derby. She advised that Darcie Coy attempted to fill a prescription from Dr Leblanc on 6-25-10 at approximately 1730 hrs. She advised she contacted Dr Leblanc's office to confirm the prescription and learned that he did not prescribe that medicine to her. She advised she also learned that Coy was an employee of Dr Leblanc. She advised that they did not fill her prescription and turned over the written prescription note back to Dr Leblanc's office. Eberhardt advised she contacted Kinney Drug Supervising Pharmacist Robert Ianni and explained to him what had occurred in case she went over there to attempt to fill another prescription.

I then met with Ianni at Kinney Drug in Derby. He turned over two prescription notes. Both were written on Prescription Pad paper of Dennis E. LeBlanc, D.D.S.(DEA REG. No. AL7324609, NPI No. 1669547576). They were written out to Darcie Coy 8/5/1978, dated 5-27-10 with signature at the bottom of Dennis E. Leblanc. Ianni also affixed a copy of the actual prescription bottle sticker to the back of each prescription. One was for Clindamycin 150 MG 30

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capsules (value \$27.05) and the other for Hydrocodone/APAP 5MG/500MG 15 tablets (value \$27.15).

I then contacted Dr Leblanc by phone. He advised he did not write the prescriptions that Kinney drug turned over nor the one she attempted to fill at Rite Aid. He advised he did write one prescription for her in the past as she was also a patient as well as an employee. He believes she obtained the prescription notes from his pad and wrote them herself. He does not know if he is missing any pads or if she just took single pieces as needed. He explained she has since been released from employment.

I met with Dr Leblanc on 6-30-10 and obtained the two original prescriptions written by Darcie Coy and uttered to Rite Aid Pharmacy by Darcie Coy on 6-25-10. I also was provided a computer generated report that lists all of Darcie Coy's prescriptions dispensed between 01-01-08 to present. The report is two pages long and attached with this case file. It does not indicate any activity until 7-27-09 and the last activity listed occurred on 6-16-10. The transaction attempt at Rite Aid on 6-25-10 is not listed as it was not filled. I checked with the Medical Offices of the prescribers listed on the report and all are legitimate except for the two dispensed by Kinney Drug on 5-27-10. Dr Leblanc confirmed that he did not write prescriptions for Darcie Coy on that date nor did he write prescriptions for her on 6-25-10. He looked at the prescriptions written and confirmed it was not his writing. Dr Leblanc advised he did write a prescription for her on 12-21-09 which was filled on that same date. It was for 15 Hydrocodone pills (2 day supply) with no refills listed.

I met with Darcie Coy at her residence on 6-30-10 at approximately 1100 hrs. Prior to speaking with her upon first meeting she was physically upset and crying. She admitted to writing the prescriptions for herself and then having them filled or attempted to have them filled. She advised on May 27, 2010 while at work she took two pieces of Dr Leblanc's prescription notes. After work she filled them out in her car signing Dr Leblanc's name to the bottom. She advised she then went to Kinney Drug in Derby and had them filled. She advised she had run out of Vicodin (Hydrocodone) and needed more. She explained that she believes she is addicted to them and she has addictive behavior by nature. Coy advised she wrote the Clindamycin prescription so she would not draw suspicion to herself. She also advised she did the same thing on June 25, 2010. She explained she took two pieces of Dr Leblanc's

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prescription notes again while at work and filled them out in her car after work. She advised she attempted to have them filled at Rite Aid in Derby but they refused. She explained that she had put her family dog to sleep that week and was depressed. She explained she needed the Hydrocodone for a "quick fix". Coy advised she has been using Hydrocone (Vicodin) for about a year since being first prescribed it after being injured as a result of a motor vehicle crash. She believes she had become addicted. She explained she has recently met with a priest and has made an appointment with her primary care physician to work on the addiction.

Coy was issued a citation to appear in Orleans District Court for Fraud or Deceit in violation of T18 vsa 4223 (a)(2)(e).

Subscribed and sworn to before me on

this 6th day of July, 2010

Kelley Clark
(Notary Public) (~~Judicial Officer~~)

L.R. Am
(Affiant)

7-6-10
(Date)

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